

GENERAL ORDINANCE NO. G- *Let*

AN ORDINANCE CONCERNING THE PLACEMENT OF
SIGNS WITHIN THE CITY LIMITS OF FORT
WAYNE, INDIANA.

WHEREAS, the present ordinance entitled Signs is in
need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2. That there is hereby established and
adopted a new ordinance which shall constitute a new Chapter
34 of the Municipal Code of Fort Wayne as follows:

Section:	34.010	Purpose
	34.020	Definitions
	34.030	Requirement of Permit
	34.040	Maintenance and Removal
	34.050	Miscellaneous Provisions
	34.060	Residential Districts
	34.070	Office District
	34.080	Business Districts
	34.090	Industrial Districts
	34.100	Planned Districts
	34.110	Other Permitted Signs
	34.120	Temporary Signs
	34.130	Special Sign District
	34.140	Variance Procedure
	34.150	Conformity
	34.160	Nonconforming Signs
	34.170	Enforcement
	34.180	Filing Fees
	34.190	Penalties and Injunctive Relief
	34.200	Severability of Provisions of This Chapter
	34.300	Reference Charts

34.010 Purpose

The purpose of this ordinance shall be to coordinate the
type, placement, and physical dimensions of signs within the
different zoning districts; to recognize the commercial
communication requirements of all sectors of the business
community; to encourage the innovative use of design; to
promote both renovation and proper maintenance; to allow for
special circumstances; to guarantee equal treatment under
the law through accurate record keeping and consistent
enforcement; to protect and promote property values of the
community; and to improve the appearance and aesthetic
quality of the community.

34.020 Definitions

For the purposes of this chapter, the following words and
phrases shall have the meanings respectively ascribed to
them by this section:

- (A) Area of Sign shall mean the area in square feet of the
smallest, simplest, single geometric figure which
encloses the area which forms the outside shape of the

sign face.

- (B) Construction Sign shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) Development Parcel shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) Direction Sign shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) Directory Sign shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) Facade shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) Flashing Sign shall mean any sign which flashes or appears to flash by a powered light source.
- (H) Free-standing Sign shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) Height of a Sign shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) Lineal, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) Marquee Sign shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) Mobile Sign shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) Off-Premise Sign shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) On-Premise Sign shall mean any sign which identifies or directs attention to a product, service, activity or business conducted on the premises on which the sign is located.
- (O) Projecting Sign shall mean a sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall;

- 1 (P) Sign shall mean any identification, description,
 2 symbol, illustration or device which is in view of the
 3 general public and which identifies or directs
 4 attention to a person, place, product, service,
 5 activity, institution or business.
- 6 (Q) Top Roof Line shall mean the principle top edge of the
 7 roof of a building;
- 8 (R) Wall Sign shall mean any sign attached or affixed to
 9 the wall of a building which projects no more than
 10 twelve (12) inches from said wall surface;

11 34.030 - Requirement of Permit

12 An Improvement Location Permit shall be required before the
 13 erection, construction, placing or locating of all signs
 14 regulated by this ordinance, except as otherwise exempted in
 15 this Chapter.

16 34.040 - Maintenance and Removal

- 17 (A) All signs, including, but not limited to, those signs
 18 for which permits are required, shall be maintained in
 19 a good state of repair, including replacement of
 20 defective parts, painting, cleaning and other acts
 21 required for the maintenance of said sign.

22 The Department of Neighborhood Code Enforcement shall
 23 have the right of entry in order to inspect all signs
 24 for compliance with the provisions of this ordinance.

25 When any sign is not maintained within the provisions
 26 of this ordinance or determined otherwise unsafe, the
 27 Neighborhood Code Enforcement Officer, or his/her
 28 authorized representative, shall send written notice to
 29 the owner of the property on which the sign is located
 30 to remove, repair or alter the sign. If said sign is
 31 not removed, repaired, or altered within 90 calendar
 32 days, the Neighborhood Code Enforcement Officer, or
 his/her authorized representative, can cause the sign
 to be removed, repaired, or altered at the expense of
 the owner of the property in accordance with the
 provisions of this Chapter and as set forth under
 34.190.

- 33 (B) Non-conforming signs that have not served any
 34 identifiable purpose for three hundred and sixty-five
 35 (365) calendar days shall be considered as not
 36 performing their intended function, and shall be
 37 removed.

38 If such sign is not removed, the Neighborhood Code
 39 Enforcement Officer shall send written notice to the
 40 owner of the property on which such sign is located
 41 notifying the owner that such sign must be totally
 42 removed within thirty (30) calendar days from receipt
 43 of the notice. If the owner fails to effect such
 44 removal, the City may cause such removal at the expense
 45 of the owner of the property. Any and all costs
 46 incurred may be a lien against the property or may
 47 result in other legal action and as set forth under
 34.190.

- 48 (C) For regulations pertaining to non-conforming signs, see
 49 section 34-160 of this chapter.

1 34.050 - Miscellaneous Provisions

- 2 (A) No sign or part thereof shall be erected or maintained
3 except in conformance with the provisions of this
 Chapter;
- 4 (B) Signs may be illuminated by an external light source,
5 provided that the source shall be effectively concealed
6 from view. Signs which incorporate in any manner any
7 flashing, moving or revolving illumination are not
8 permitted except as provided in this Chapter and
 provided that the illumination of any sign shall not
 exceed 300 foot lamberts as measured at any point on
 the property line upon which the sign is located;
- 9 (C) No sign shall blink or flash, nor be illuminated by any
10 device so as to appear to blink or flash, except as
 otherwise expressly provided in this Chapter;
- 11 (D) No sign shall be erected upon, maintained in, encroach
12 upon or overhang any public right-of-way without the
13 approval of the Board of Public Works, except as
 expressly provided in this Chapter and State and
 Federal law as amended. However, all other applicable
 standards of this Chapter shall apply.
- 14 (E) The area of a V-type sign not exceeding an angle of
15 sixty degrees (60°) is calculated on one face of the
 sign only;
- 16 (F) No sign shall be painted on or attached to rocks,
17 trees, or any other natural object, except monument
 signs;
- 18 (G) Sign regulations for uses permitted by the Board of
19 Zoning Appeals, and/or non-conforming uses shall be as
 follows:
- 20 (1) Pursuant to the restrictions and regulations for
21 the signs in the district in which located, or
- 22 (2) A wall and/or free standing sign of up to thirty-
23 two (32) square feet in area. A free standing
 sign shall neither exceed six (6) feet in height
 nor have a front and side yard setback of less
 than five (5) feet.
- 24 This sub-section shall not have precedent over any
25 direct stipulations imposed by the Board of Zoning
 Appeals.
- 26 (H) Strings of light bulbs are prohibited, unless as
27 decorations associated with a recognized legal holiday
28 or city festival, in no case to be permitted beyond a
 forty-five (45) day period, and consistent with all
 other regulations in this Chapter;
- 29 (I) One mobile sign per development parcel may be located
30 in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts.
31 Such sign shall be permitted up to two (2) times a
 calendar year not to exceed thirty (30) days per
32 permit. Such sign shall be located a minimum of five
 (5) feet from any lot line and shall not exceed thirty-
 two (32) square feet in area;
- (J) In all nonresidential zoning districts, a roof sign may
 be permitted as an alternative to a permitted free-
 standing sign under the following conditions:

- (1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;
- (2) The roof signs shall not be higher than the district height limitation for buildings;
- (3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;
- (4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;
- (5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;
- (6) Such sign shall not be located closer than sixty (60) feet to a residential district.

- (K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

- (L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

- (M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

- (N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

- (O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs as defined in this Ordinance shall not be permitted in the Central Business District.

1 34.060 - Permitted Signs: Residential Districts

2 RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

3 One on-premise wall sign, not to exceed one (1) square foot
4 of copy area, non-illuminated and nonreflecting, used to
5 identify block parents, the name of the premises or occu-
6 pants thereof, or to provide similar information is
7 permitted, with the exception of signs expressly permitted
8 under Section 34.050 (G).

9 34.070 - Permitted Signs: Office District

10 (A) POD ZONING DISTRICT

- 11 (1) One on-premise wall sign for each main building,
12 not to exceed fifty (50) square feet, limited to
13 identifying the building or activity being
14 conducted on the premises, is permitted per street
15 frontage.
- 16 (2) One on-premise free-standing sign per entrance,
17 identifying the name of the office park or
18 activity conducted within the district shall be
19 permitted. Such sign shall not exceed thirty-two
20 (32) square feet in area, shall have a maximum
21 height of six (6) feet, and shall be permitted
22 with a five (5) foot setback from the front lot
23 line. Such sign shall not face any residential
24 district fifty (50) feet away.
- 25 (3) If there is more than one building, a freestanding
26 directory sign is permitted for each building.
27 Such sign shall be located in the interior of the
28 development with a maximum height of six (6) feet
29 and may not exceed fifty (50) square feet in total
30 area.
- 31 (4) Any proposed sign other than as permitted above
32 shall be subject to City Plan Commission review as
part of the development plan process. The sign
regulation in sub-paragraphs (1), (2), and (3)
above may be modified by the Plan Commission with
the granting of development plan approval in
conformance with the other requirements of the POD
zoning district and other development plan
procedures.

25 (5) Pre-existing Signs Any sign that was legally
26 erected in this district prior to November 6, 1986 shall be
27 deemed to have received Plan Commission approval as herein
28 required and shall not be a non-conforming sign. Such sign
29 may be converted without Plan Commission approval for new
30 tenants, as long as the location and copy area remains the
31 same or less than that of the pre-existing sign.

32 34.080 - Permitted Signs: Business Districts

33 (A) B-1A And B-1B ZONING DISTRICT

- 34 (1) On-premise wall sign(s) on building facades,
35 attached to the face of the building, or mansard
36 roof or substantially parallel thereto and not
projecting beyond or above the roof or top of
the cornice wall, are permitted. The copy area of
such wall sign(s) per building facade shall not
exceed one hundred (100) square feet .

(2) One on-premise free-standing sign per development parcel per street frontage is permitted.

(i) The free-standing sign shall not exceed one hundred (100) square feet in area and not exceed thirty-five (35) feet in height. Such sign may be located a minimum of five (5) feet from any front and side lot line.

(ii) See Section 34-050 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2), above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the development parcel, the on-premise projection signs shall be combined, and resultant sign shall not exceed seventy-five (75) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.

(5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north.

(i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.

(ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.

(iii) Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign.

(iv) Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office

district.

- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

- (1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

- (2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet
	Height: 35 feet
B-2B & B-2C -	Area: 300 square feet
	Height: 40 feet
B-2D -	Area: 400 square feet
	Height: 50 feet

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the

cornice wall or roof of the building.

- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.
- (5) Pre-existing Signs: Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

(C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

- (1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.
- (2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:
 - (i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
 - (ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
 - (iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.
- (3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and shall have a maximum height of thirty five (35) feet, and shall be located a minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.
- (4) See Section 34-050 (K) for residential spacing requirements.

(5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.

(6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

(1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.

(2) One on-premise free-standing sign per developed per street frontage is permitted.

(i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.

(ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.

(iii) See Section 34-050 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

1
2 (i) Off-premise signs not exceeding one hundred
3 (100) square feet in area are permitted
4 except in the Central Business District which
5 is bounded by the railroad right-of-way to
6 the south, Clay Street to the east, Van Buren
7 Street to the west, and the river to the
8 north. Each off-premise sign may contain a
9 maximum of two (2) sign faces facing the same
10 direction as long as the total sign area is
11 not exceeded and the two (2) faces are not
12 separated by more than a 12 inch distance.
13 Such sign shall be no closer than fifteen
14 (15) feet to the front lot line and shall not
15 exceed thirty-five (35) feet in height. Such
16 sign shall be spaced at least three hundred
17 (300) lineal feet from any other off-premise
18 sign in any direction along frontage on both
19 sides of a street and cross streets. Such
20 off-premise sign shall not be located within
21 a two hundred fifty (250) foot radius from
22 any City or County residential district or
23 from any church, school and health care
24 facility. Such off-premise sign shall not be
25 located closer than one hundred fifty (150)
26 lineal feet from any City or County office
27 district.

15 (ii) In lieu of item (i) above, off-premise signs
16 not exceeding three hundred (300) square feet
17 in total area are permitted except in the
18 Central Business District which is bounded by
19 the railroad right-of-way to the south, Clay
20 Street to the east, Van Buren Street to the
21 west, and the river to the north. Each off-
22 premise sign may contain a maximum of two (2)
23 sign faces facing the same direction as long
24 as the total area is not exceeded and the two
25 (2) faces are not separated by more than a
26 twelve (12) inch distance. Such sign shall
27 be no closer than twenty (20) feet to the
28 front lot line, and shall not exceed thirty-
29 five (35) feet in height. Such sign shall be
30 spaced at least five hundred (500) lineal
31 feet from any other off-premise sign in any
32 direction along frontage on both sides of a
street and cross streets.

Such off-premise sign shall not be located
within three hundred (300) lineal feet from
any City or County residential district or
from any church, school and health care
facility.

Such off-premise sign shall not be located
closer than one hundred fifty (150) lineal
feet from any City or County office district.

30 (iii) In lieu of items (i) and (ii) above, off-
31 premise signs not exceeding six hundred
32 seventy-five (675) square feet in area are
permitted except in the Central Business
District which is bounded by the railroad
right-of-way to the south, Clay Street to the
east, Van Buren Street to the west, and the
river to the north. Such signs shall be no
closer than thirty (30) feet to the front lot
line, shall not exceed a height of thirty-

five (35) feet and shall be spaced at least seven hundred fifty (750) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than two hundred fifty (250) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.090 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- (1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or three hundred (300) square feet, whichever is less.
- (2) One on-premise free-standing sign on each street frontage per development parcel is permitted.
 - (i) The sign shall not exceed three hundred (300) square feet in area and fifty (50) feet in height.
 - (ii) The sign shall be located no closer than five (5) feet from the front lot line and five (5) feet from the side lot line.
 - (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the

1 roofline or top of a cornice wall. Such sign
 2 shall have a minimum clearance of eight (8) feet
 3 above the walk or grade below and a maximum area
 4 of forty (40) square feet.

5 (5) Off-premise signs are permitted as follows:

6 (i) Off-premise signs not exceeding one hundred
 7 (100) square feet in total area are permitted
 8 except in the Central Business District which
 9 is bounded by the railroad right-of-way to
 10 the south, Clay Street to the east, Van Buren
 11 Street to the west, and the river to the
 12 north. Such sign shall be no closer than
 13 fifteen (15) feet to the front lot line and
 14 shall not exceed thirty-five (35) feet in
 15 height. Such sign shall be spaced at least
 16 three hundred (300) lineal feet from any
 17 other off-premise sign in any direction along
 18 frontage on both sides of a street and cross
 19 streets.

20 Such sign shall not be located within a two
 21 hundred fifty (250) foot radius from any City
 22 or County residential districts or from any
 23 church, school and health care facility.

24 Such off-premise sign shall not be located
 25 closer than one hundred fifty (150) lineal
 26 feet from any City or County office district.

27 (ii) In lieu of item (i) above, off-premise signs
 28 not exceeding three hundred (300) square feet
 29 in total area are permitted except in the
 30 Central Business District which is bounded by
 31 the railroad right-of-way to the south, Clay
 32 Street to the east, Van Buren Street to the
 33 west, and the river to the north. Such sign
 34 shall be no closer than twenty (20) feet to
 35 the front lot line and shall not exceed
 36 thirty-five (35) feet in height. Such sign
 37 shall be spaced at least five hundred (500)
 38 lineal feet from any other off-premise sign
 39 in any direction along frontage on both sides
 40 of a street and cross streets.

41 Such sign shall not be located within three
 42 hundred (300) lineal feet from any City or
 43 County residential district or from any
 44 church, school and health care facility.
 45 Such sign shall not be located closer than
 46 one hundred fifty (150) lineal feet to any
 47 City or County office district.

48 (iii) In lieu of items (i) and (ii) above, off-
 49 premise signs not exceeding six hundred
 50 seventy-five (675) square feet in area are
 51 permitted except in the Central Business
 52 District which is bounded by the railroad
 53 right-of-way to the south, Clay Street to the
 54 east, Van Buren Street to the west, and the
 55 river to the north. Such signs shall be no
 56 closer than thirty (30) feet to the front lot
 57 line, shall not exceed a height of thirty-
 58 five (35) feet and shall be spaced at least
 59 seven hundred fifty (750) lineal feet from
 60 any other off-premise sign in any direction
 61 along frontage on both sides of a street and
 62 cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.100 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

- (A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

- (B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.

34.110 - Other Permitted Signs

The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit, unless otherwise noted:

- (A) In all residential zoning districts, on-premise free-standing signs not exceeding twenty (20) square feet in area nor five (5) feet in height, and no closer than ten (10) feet to any lot line identifying multiple family housing complexes, neighborhood associations and subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed thirty-two (32) square feet, nor six (6) feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.
- (B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:

- (1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.
 - (2) It shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
 - (3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.
 - (4) Such sign shall only be for the identification of the subdivision.
- (C) In any zoning district, the following signs shall be permitted for churches and schools and shall require a permit.
- (1) One on-premise free-standing sign per street frontage, the area of the sign not to exceed fifty (50) square feet including the sign structure, and a height not to exceed seven (7) feet. Signs shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
 - (2) Additionally, one on-premise wall sign is permitted with the area of the sign not exceeding thirty-two (32) square feet.
 - (3) One temporary sign not exceeding thirty-two (32) square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (D) In any zoning district, the following on-premise signs shall be permitted:
- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
 - (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
 - (3) Historical or commemorative plaques or tablets;
 - (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
 - (5) Street names and numbers;
 - (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or

situations; as well as warning signs for underground public utilities are permitted;

(7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;

(8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;

(9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.

(10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;

(11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.

(E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:

(1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;

(2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;

(3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;

(4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.

(F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it

is located.

- (G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

34.120 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

- (A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:
- (1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.
 - (2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.
- (B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.
- (C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.
- (D) One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning districts, if such sign is located within one hundred (100) feet of any residential district along side and front lot line it shall not exceed sixty-four (64) square feet of area and twelve (12) feet in height. If such sign is located more than one hundred (100) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height. Such signs may be located five (5) feet or more from the front lot line. If such sign is located in a residential district under development that consists of five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.

(E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(H) Banners, pennants and flags shall be permitted for nonprofit civic activities only.

34.130 - Special Sign District

In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and approval.

34.140 - Variance Procedure

The Board of Zoning Appeals may approve or deny a variance for area, location, spacing and height of signs from the terms of the sign ordinance. The Board may impose reasonable conditions as part of its approval. The basis of granting a variance will be to determine if there is an undue, adverse impact on the surrounding area. The petitioner for a variance must notify landowners within three hundred (300) feet of the proposed sign, utilizing a form of notice recognized and approved by the Economic Development Department of the City.

34.150 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

34.160 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to

certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

34.170 - Enforcement

It shall be the duty of the Neighborhood Code Enforcement Officer to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

34.180 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

34.190 - Penalties and Injunctive Relief

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

(B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this Chapter. The Division of Community and Economic Development, by its Department of Neighborhood Code Enforcement, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.

(C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

34.200 - Severability of Provisions of this Chapter

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

34.300 - Reference Charts

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Thomas C. Henry
Councilmember

91-03-45
BILL NO. G-90-12-

GENERAL ORDINANCE NO.

AN ORDINANCE CONCERNING THE PLACEMENT OF
SIGNS WITHIN THE CITY LIMITS OF FORT
WAYNE, INDIANA.

WHEREAS, the present ordinance entitled Signs is in
need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2. That there is hereby established and
adopted a new ordinance which shall constitute a new Chapter
34 of the Municipal Code of Fort Wayne as follows:

Section:	34.010	Purpose
	34.020	Definitions
	34.030	Requirement of Permit
	34.040	Maintenance and Removal
	34.050	Miscellaneous Provisions
	34.060	Residential Districts
	34.070	Office District
	34.080	Business Districts
	34.090	Industrial Districts
	34.100	Planned Districts
	34.110	Other Permitted Signs
	34.120	Temporary Signs
	34.130	Special Sign District
	34.140	Variance Procedure
	34.150	Conformity
	34.160	Nonconforming Signs
	34.170	Enforcement
	34.180	Filing Fees
	34.190	Penalties and Injunctive Relief
	34.200	Severability of Provisions of This Chapter
	34.300	Reference Charts

34.010 Purpose

The purpose of this ordinance shall be to coordinate the
type, placement, and physical dimensions of signs within the
different zoning districts; to recognize the commercial
communication requirements of all sectors of the business
community; to encourage the innovative use of design; to
promote both renovation and proper maintenance; to allow for
special circumstances; to guarantee equal treatment under
the law through accurate record keeping and consistent
enforcement; to protect and promote property values of the
community; and to improve the appearance and aesthetic
quality of the community.

34.020 Definitions

For the purposes of this chapter, the following words and
phrases shall have the meanings respectively ascribed to
them by this section:

- (A) Area of Sign shall mean the area in square feet of the
smallest, simplest, single geometric figure which

encloses the area which forms the outside shape of the sign face.

- (B) Construction Sign shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) Development Parcel shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) Direction Sign shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) Directory Sign shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) Facade shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) Flashing Sign shall mean any sign which flashes or appears to flash by a powered light source.
- (H) Free-standing Sign shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) Height of a Sign shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) Lineal, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) Marquee Sign shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) Mobile Sign shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) Off-Premise Sign shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) On-Premise Sign shall mean any sign which identifies or directs attention to a product, service, activity or business conducted on the premises on which the sign is located.
- (O) Projecting Sign shall mean a sign other than a wall sign which is attached to and projects from a structure

or building face and does not project above the roof line or the cornice wall;

(P) Sign shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) Top Roof Line shall mean the principle top edge of the roof of a building;

(R) Wall Sign shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

34.030 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

34.040 - Maintenance and Removal

(A) All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Department of Neighborhood Code Enforcement shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Neighborhood Code Enforcement Officer, or his/her authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Neighborhood Code Enforcement Officer, or his/her authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 34.190.

(B) Non-conforming signs that have not served any identifiable purpose for three hundred and sixty-five (365) calendar days shall be considered as not performing their intended function, and shall be removed.

If such sign is not removed, the Neighborhood Code Enforcement Officer shall send written notice to the owner of the property on which such sign is located notifying the owner that such sign must be totally removed within thirty (30) calendar days from receipt of the notice. If the owner fails to effect such removal, the City may cause such removal at the expense of the owner of the property. Any and all costs incurred may be a lien against the property or may result in other legal action and as set forth under 34.190.

- (C) For regulations pertaining to non-conforming signs, see section 34-160 of this chapter.

34.050 - Miscellaneous Provisions

- (A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;
- (B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;
- (C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;
- (D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State and Federal law as amended. However, all other applicable standards of this Chapter shall apply.
- (E) The area of a V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;
- (F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs;
- (G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:
- (1) Pursuant to the restrictions and regulations for the signs in the district in which located, or
 - (2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall neither exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.
- This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.
- (H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter;
- (I) One mobile sign per development parcel may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located a minimum of five (5) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

- (1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;
- (2) The roof signs shall not be higher than the district height limitation for buildings;
- (3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;
- (4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;
- (5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;
- (6) Such sign shall not be located closer than sixty (60) feet to a residential district.

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs

as defined in this Ordinance shall not be permitted in the Central Business District.

34.060 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 34.050 (G).

34.070 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

- (1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premise free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted with a five (5) foot setback from the front lot line. Such sign shall not face any residential district fifty (50) feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and may not exceed fifty (50) square feet in total area.
- (4) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in sub-paragraphs (1), (2), and (3) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the POD zoning district and other development plan procedures.
- (5) Pre-existing Signs Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a non-conforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

34.080 - Permitted Signs: Business Districts

(A) B-1A And B-1B ZONING DISTRICT

- (1) On-premise wall sign(s) on building facades, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of

the cornice wall, are permitted. The copy area of such wall sign(s) per building facade shall not exceed one hundred (100) square feet .

- (2) One on-premise free-standing sign per development parcel per street frontage is permitted.

(i) The free-standing sign shall not exceed one hundred (100) square feet in area and not exceed thirty-five (35) feet in height. Such sign may be located a minimum of five (5) feet from any front and side lot line.

(ii) See Section 34-050 (K) for residential spacing requirements.

- (3) In lieu of the sign permitted in paragraph (2), above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the development parcel, the on-premise projection signs shall be combined, and resultant sign shall not exceed seventy-five (75) square feet in total area.

- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.

- (5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north.

(i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.

(ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.

(iii) Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign.

(iv) Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district

or from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

- (1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

- (2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet Height: 35 feet
B-2B & B-2C -	Area: 300 square feet Height: 40 feet
B-2D -	Area: 400 square feet Height: 50 feet

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety

degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

- (5) Pre-existing Signs: Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

(C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

- (1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.
- (2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:
- (i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
 - (ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
 - (iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.
- (3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and shall have a maximum height of thirty five (35) feet, and shall be located a

- minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.
- (4) See Section 34-050 (K) for residential spacing requirements.
- (5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.
- (6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

- (1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.
- (2) One on-premise free-standing sign per developed per street frontage is permitted.
- (i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.
- (ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.
- (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.
- Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.
- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or

grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(iii) In lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the

east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.090 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- (1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or three hundred (300) square feet, whichever is less.
- (2) One on-premise free-standing sign on each street frontage per development parcel is permitted.
 - (i) The sign shall not exceed three hundred (300) square feet in area and fifty (50) feet in height.
 - (ii) The sign shall be located no closer than five (5) feet from the front lot line and five (5) feet from the side lot line.
 - (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential districts or from any church, school and health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. Such sign shall not be located closer than one hundred fifty (150) feet to any City or County office district.

(iii) In lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-

five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.100 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

- (A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

- (B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.

34.110 - Other Permitted Signs

The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit, unless otherwise noted:

- (A) In all residential zoning districts, on-premise free-standing signs not exceeding twenty (20) square feet in area nor five (5) feet in height, and no closer than ten (10) feet to any lot line identifying multiple family housing complexes, neighborhood associations and subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed thirty-two (32) square feet, nor six (6) feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.

(B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:

- (1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.
- (2) It shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.
- (4) Such sign shall only be for the identification of the subdivision.

(C) In any zoning district, the following signs shall be permitted for churches and schools and shall require a permit.

- (1) One on-premise free-standing sign per street frontage, the area of the sign not to exceed fifty (50) square feet including the sign structure, and a height not to exceed seven (7) feet. Signs shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (2) Additionally, one on-premise wall sign is permitted with the area of the sign not exceeding thirty-two (32) square feet.
- (3) One temporary sign not exceeding thirty-two (32) square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(D) In any zoning district, the following on-premise signs shall be permitted:

- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
- (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
- (3) Historical or commemorative plaques or tablets;
- (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
- (5) Street names and numbers;

- (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
 - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
 - (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
 - (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
 - (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;
 - (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.
- (E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:
- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;
 - (3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;
 - (4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.
- (F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from

the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

- (G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

34.120 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

- (A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:
- (1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.
 - (2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.
- (B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.
- (C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.
- (D) One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning districts, if such sign is located within one hundred (100) feet of any residential district along side and front lot line it shall not exceed sixty-four (64) square feet of area and twelve (12) feet in height. If such sign is located more than one hundred (100) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height. Such signs may be located five (5) feet or more from the front lot line. If such sign is located in a residential district under development that consists of

five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.

(E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(H) Banners, pennants and flags shall be permitted for nonprofit civic activities only.

34.130 - Special Sign District

In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and approval.

34.140 - Variance Procedure

The Board of Zoning Appeals may approve or deny a variance for area, location, spacing and height of signs from the terms of the sign ordinance if the strict application of the terms of the sign ordinance will constitute an unnecessary hardship if applied to the sign for which the variance is sought. The Board may impose reasonable conditions as part of its approval.

34.150 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

34.160 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to

certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

34.170 - Enforcement

It shall be the duty of the Neighborhood Code Enforcement Officer to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

34.180 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

34.190 - Penalties and Injunctive Relief

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

(B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this Chapter. The Division of Community and Economic Development, by its Department of Neighborhood Code Enforcement, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.


(C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

34.200 - Severability of Provisions of this Chapter


If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

34.300 - Reference Charts

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE SIGN ORDINANCE

DEPARTMENT OF REQUESTING ORDINANCE COMMUNITY & ECONOMIC DEVELOPMENT

SYNOPSIS OF ORDINANCE NEW ORDINANCE WHICH RESCINDS EXISTING ORDINANCE
THAT WAS ADOPTED IN 1986.

91-03-45
(as amended as amended)

EFFECT OF PASSAGE NEW ORDINANCE WILL REPLACE CHAPTER 34 OF THE FORT
WAYNE MUNICIPAL CODE.

EFFECT OF NON-PASSAGE EXISTING ORDINANCE WILL REMAIN IN EFFECT.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE SIGN ORDINANCE

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EFFECT OF PASSAGE NEW ORDINANCE WILL REPLACE CHAPTER 34 OF THE FORT
WAYNE MUNICIPAL CODE.

EFFECT OF NON-PASSAGE EXISTING ORDINANCE WILL REMAIN IN EFFECT.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

CONTAINS Mark's amendment.

1
2 BILL NO. G-90-12-
3

4 GENERAL ORDINANCE NO.

5 AN ORDINANCE CONCERNING THE PLACEMENT OF
6 SIGNS WITHIN THE CITY LIMITS OF FORT
7 WAYNE, INDIANA.

8 WHEREAS, the present ordinance entitled Signs is in
9 need of revision.

10 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
11 THE CITY OF FORT WAYNE, INDIANA:

12 SECTION 1. That Chapter 34 of the Municipal Code of
13 the City of Fort Wayne is repealed.

14 SECTION 2. That there is hereby established and
15 adopted a new ordinance which shall constitute a new Chapter
16 34 of the Municipal Code of Fort Wayne as follows:

17	Section:	34.010	Purpose
18		34.020	Definitions
19		34.030	Requirement of Permit
20		34.040	Maintenance and Removal
21		34.050	Miscellaneous Provisions
22		34.060	Residential Districts
23		34.070	Office District
24		34.080	Business Districts
25		34.090	Industrial Districts
26		34.100	Planned Districts
27		34.110	Other Permitted Signs
28		34.120	Temporary Signs
29		34.130	Special Sign District
30		34.140	Variance Procedure
31		34.150	Conformity
32		34.160	Nonconforming Signs
		34.170	Enforcement
		34.180	Filing Fees
		34.190	Penalties and Injunctive Relief
		34.200	Severability of Provisions of This Chapter
		34.300	Reference Charts

33 34.010 Purpose

34 The purpose of this ordinance shall be to coordinate the
35 type, placement, and physical dimensions of signs within the
36 different zoning districts; to recognize the commercial
37 communication requirements of all sectors of the business
38 community; to encourage the innovative use of design; to
39 promote both renovation and proper maintenance; to allow for
40 special circumstances; to guarantee equal treatment under
41 the law through accurate record keeping and consistent
42 enforcement; to protect and promote property values of the
43 community; and to improve the appearance and aesthetic
44 quality of the community.

45 34.020 Definitions

46 For the purposes of this chapter, the following words and
47 phrases shall have the meanings respectively ascribed to
48 them by this section:

- 49 (A) Area of Sign shall mean the area in square feet of the
50 smallest, simplest, single geometric figure which

encloses the area which forms the outside shape of the sign face.

- (B) Construction Sign shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) Development Parcel shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) Direction Sign shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) Directory Sign shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) Facade shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) Flashing Sign shall mean any sign which flashes or appears to flash by a powered light source.
- (H) Free-standing Sign shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) Height of a Sign shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) Lineal, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) Marquee Sign shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) Mobile Sign shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) Off-Premise Sign shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) On-Premise Sign shall mean any sign which identifies or directs attention to a product, service, activity or business conducted on the premises on which the sign is located.
- (O) Projecting Sign shall mean a sign other than a wall sign which is attached to and projects from a structure

or building face and does not project above the roof line or the cornice wall;

(P) Sign shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) Top Roof Line shall mean the principle top edge of the roof of a building;

(R) Wall Sign shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

34.030 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

34.040 - Maintenance and Removal

(A) All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Department of Neighborhood Code Enforcement shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Neighborhood Code Enforcement Officer, or his/her authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Neighborhood Code Enforcement Officer, or his/her authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 34.190.

(B) Non-conforming signs that have not served any identifiable purpose for three hundred and sixty-five (365) calendar days shall be considered as not performing their intended function, and shall be removed.

If such sign is not removed, the Neighborhood Code Enforcement Officer shall send written notice to the owner of the property on which such sign is located notifying the owner that such sign must be totally removed within thirty (30) calendar days from receipt of the notice. If the owner fails to effect such removal, the City may cause such removal at the expense of the owner of the property. Any and all costs incurred may be a lien against the property or may result in other legal action and as set forth under 34.190.

- (C) For regulations pertaining to non-conforming signs, see section 34-160 of this chapter.

34.050 - Miscellaneous Provisions

- (A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;
- (B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;
- (C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;
- (D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State and Federal law as amended. However, all other applicable standards of this Chapter shall apply.
- (E) The area of a V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;
- (F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs;
- (G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:
- (1) Pursuant to the restrictions and regulations for the signs in the district in which located, or
 - (2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall neither exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.
- This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.
- (H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter;
- (I) One mobile sign per development parcel may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located a minimum of five (5) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;

(2) The roof signs shall not be higher than the district height limitation for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;

(6) Such sign shall not be located closer than sixty (60) feet to a residential district.

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs

as defined in this Ordinance shall not be permitted in the Central Business District.

34.060 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 34.050 (G).

34.070 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

- (1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premise free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted with a five (5) foot setback from the front lot line. Such sign shall not face any residential district fifty (50) feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and may not exceed fifty (50) square feet in total area.
- (4) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in sub-paragraphs (1), (2), and (3) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the POD zoning district and other development plan procedures.
- (5) Pre-existing Signs Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a non-conforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

34.080 - Permitted Signs: Business Districts

(A) B-1A And B-1B ZONING DISTRICT

- (1) On-premise wall sign(s) on building facades, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of

the cornice wall, are permitted. The copy area of such wall sign(s) per building facade shall not exceed one hundred (100) square feet .

- (2) One on-premise free-standing sign per development parcel per street frontage is permitted.

(i) The free-standing sign shall not exceed one hundred (100) square feet in area and not exceed thirty-five (35) feet in height. Such sign may be located a minimum of five (5) feet from any front and side lot line.

(ii) See Section 34-050 (K) for residential spacing requirements.

- (3) In lieu of the sign permitted in paragraph (2), above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the development parcel, the on-premise projection signs shall be combined, and resultant sign shall not exceed seventy-five (75) square feet in total area.

- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.

- (5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north.

(i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.

(ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.

(iii) Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign.

(iv) Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district

or from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

- (1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

- (2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet Height: 35 feet
B-2B & B-2C -	Area: 300 square feet Height: 40 feet
B-2D -	Area: 400 square feet Height: 50 feet

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety

degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

- (5) Pre-existing Signs: Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

(C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

- (1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.

- (2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

- (i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
- (ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
- (iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.

- (3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and shall have a maximum height of thirty five (35) feet, and shall be located a

- minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.
- (4) See Section 34-050 (K) for residential spacing requirements.
- (5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.
- (6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

- (1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.
- (2) One on-premise free-standing sign per developed per street frontage is permitted.
- (i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.
- (ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.
- (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.
- Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.
- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or

grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(iii) In lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the

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east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

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Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district. OUT 100 ft

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.090 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- (1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or three hundred (300) square feet, whichever is less.
- (2) One on-premise free-standing sign on each street frontage per development parcel is permitted.
 - (i) The sign shall not exceed three hundred (300) square feet in area and fifty (50) feet in height.
 - (ii) The sign shall be located no closer than five (5) feet from the front lot line and five (5) feet from the side lot line.
 - (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential districts or from any church, school and health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. Such sign shall not be located closer than one hundred fifty (150) feet to any City or County office district.

(iii) In lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-

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 five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.100 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

- (A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

- (B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.

34.110 - Other Permitted Signs

The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit, unless otherwise noted:

- (A) In all residential zoning districts, on-premise free-standing signs not exceeding twenty (20) square feet in area nor five (5) feet in height, and no closer than ten (10) feet to any lot line identifying multiple family housing complexes, neighborhood associations and subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed thirty-two (32) square feet, nor six (6) feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.

(B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:

- (1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.
- (2) It shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.
- (4) Such sign shall only be for the identification of the subdivision.

(C) In any zoning district, the following signs shall be permitted for churches and schools and shall require a permit.

- (1) One on-premise free-standing sign per street frontage, the area of the sign not to exceed fifty (50) square feet including the sign structure, and a height not to exceed seven (7) feet. Signs shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (2) Additionally, one on-premise wall sign is permitted with the area of the sign not exceeding thirty-two (32) square feet.
- (3) One temporary sign not exceeding thirty-two (32) square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(D) In any zoning district, the following on-premise signs shall be permitted:

- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
- (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
- (3) Historical or commemorative plaques or tablets;
- (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
- (5) Street names and numbers;

- (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
 - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
 - (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
 - (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
 - (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;
 - (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.
- (E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:
- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;
 - (3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;
 - (4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.
- (F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from

the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

- (G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

34.120 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

- (A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:
- (1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.
 - (2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.
- (B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.
- (C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.
- (D) One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning districts, if such sign is located within one hundred (100) feet of any residential district along side and front lot line it shall not exceed sixty-four (64) square feet of area and twelve (12) feet in height. If such sign is located more than one hundred (100) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height. Such signs may be located five (5) feet or more from the front lot line. If such sign is located in a residential district under development that consists of

five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.

(E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(H) Banners, pennants and flags shall be permitted for nonprofit civic activities only.

34.130 - Special Sign District

In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and approval.

34.140 - Variance Procedure

The Board of Zoning Appeals may approve or deny a variance for area, location, spacing and height of signs from the terms of the sign ordinance, ~~if the strict application of the terms of the sign ordinance will constitute an unnecessary hardship if applied to the sign for which the variance is sought.~~ The Board may impose reasonable conditions as part of its approval. ~~if the strict~~ The basis of granting ~~an ordinance a~~ *had* Variance will be to determine if there is an undue, adverse impact on the surrounding area. The petitioner for a variance must notify land owners within (300) feet of the It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

34.160 - Nonconforming Signs *three hundred* Sign, utilizing a form of notice recognized and approved by the Economic Development Department of the City. Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to

certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

34.170 - Enforcement

It shall be the duty of the Neighborhood Code Enforcement Officer to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

34.180 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

34.190 - Penalties and Injunctive Relief

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

(B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this Chapter. The Division of Community and Economic Development, by its Department of Neighborhood Code Enforcement, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.

(C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

34.200 - Severability of Provisions of this Chapter

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

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34.300 - Reference Charts

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

PROPOSED MOTIONS FOR AMENDMENTS TO SIGN
ORDINANCE, BILL NO. G-91-03-45

1. (Section 34.050(O), page 5). I move to amend Section 34.050, paragraph (O), which defines the Central Business District under the sign ordinance, by adding the following at the end of the third sentence:

Exceeding three hundred (300) square feet in total area.

and by deleting the last sentence of paragraph (O) which presently reads:

Therefore, off-premise signs as defined in this Ordinance shall not be permitted in the Central Business District.

STAYS
IN

and replace it with the following sentence:

Therefore, off-premise signs exceeding three hundred (300) square feet in total area shall not be permitted in the Central Business District.

STAYS

2. (Section 34.080(D)(5)(i), page 10). I move to amend Section 34.080(D)(5)(i) on page 11, which permits off-premise signs not exceeding one hundred (100) square feet by deleting the following at the end of the first sentence:

except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north.

STAYS
IN

3. (Section 34.080(D)(5)(ii), page 10). I move to amend Section 34.080(D)(5)(i), which permits off-premise signs not exceeding three hundred (300) square feet, by deleting the following from the end of the first sentence:

except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north.

STAYS
IN

and by deleting the fifth sentence which presently reads:

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility.

DO THIS
↓

and replace it with the following:

Such off-premise signs shall not be located within three hundred (300) lineal feet from any City or County residential district or from any church, school and health care facility.

5/6/8

4. (Section 34.080(D)(5)(iii), page 11). I move to amend Section 34.080(D)(5)(iii), on page 12 of the proposed ordinance, which permits off-premise signs not exceeding six hundred seventy-five (675) square feet, by replacing the phrase "one thousand (1000)" in the second sentence and replace it with the phrase "seven hundred fifty (750)", and by deleting the fourth sentence which presently reads:

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

and replace it with the following sentence:

Such off-premise sign shall not be located closer than two hundred fifty (250) lineal feet from any City or County office district. (X) (X) OK

5. (Section 34.090(A)(5)(i), page 12). I move to amend Section 34.090(A)(5)(i), which permits off-premise signs not exceeding one hundred (100) square feet, by deleting the following from the end of the first sentence:

except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. STAYS IN

6. (Section 34.090(A)(5)(ii), page 12). I move to amend Section 34.090(A)(5)(ii), which off-premise signs not exceeding three hundred (300) square feet, by deleting the following from the end of the first sentence:

except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. STAYS IN

and by deleting the third sentence which presently reads:

Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school and health care facility. (X) (X) (X)

and replace it with the following sentence:

Such sign shall not be located within three hundred (300) lineal feet from any City or County residential district or from any church, school and health care facility. ***

and by adding the following word between the words "one hundred fifty (150)" and "feet" in the fourth sentence: "lineal" (V)

7. (Section 34.090(A)(5)(iii)). I move to amend Section 34.090(A)(5)(iii) on page 12 of the proposed ordinance, which permits off-premise signs not exceeding six hundred seventy-five (675) square feet, by replacing the phrase "one thousand (1000)" in the second sentence and replacing it with the phrase "seven hundred fifty (750)". OK

Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on , the of , 19 , at o'clock M., E.S.

DATED: 3-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. ~~PASS~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>4</u>	<u>3</u>		<u>1</u>
BRADBURY		<u>✓</u>		
BURNS			<u>✓</u>	
EDMONDS		<u>✓</u>		
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD				
SCHMIDT		<u>✓</u>		<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. on the day of , 19 ,

ATTEST

SEAL

Sandra E. Kennedy, CITY CLERK

 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the day of , 19 at the hour of o'clock M., E.S.T.

Sandra E. Kennedy, CITY CLERK

Approved and signed by me this day of , 19 , at the hour of o'clock M., E.S.T.

Paul Helmke, MAYOR



MEMORANDUM

April 9, 1991

TO: Common Council

FROM: Michael A. Sapp, Director of Planning *ms*

RE: Proposed Sign Ordinance

As you requested at your April 2nd meeting, the Community & Economic Development staff has prepared the following:

- 1) An amendment to **Section 34.140 - Variance Procedure**, to incorporate the requested language;
- 2) A set of charts that show the proposed sign regulations of October 18, 1990 and of March 15, 1991.

Staff members will be present to answer any questions that you may have.

34.140 - Variance Procedure (as amended)

The Board of Zoning Appeals may approve or deny a variance for area, location, spacing and height of signs from the terms of the sign ordinance.

The basis of the Board of Zoning Appeals analysis shall be whether the proposed sign shall constitute an undue adverse impact on the surrounding area.

The petitioner must place on notice all property owners within a three hundred (300) foot radius, in a form prescribed by Community & Economic Development.

Type of Sign Permitted

Draft 10/18/90

District	Wall Sign	Free Standing	Project -ing	Marquee Sign	Mobile Signs	Off - Premise		
						100 SF	300 SF	675 SF
R	X							
POD	X	X						
B1A/B1B	X	X	X	X	X	X		
B-2	X	X		X				
B3A	X	X		X	X			
B3B/B4	X	X	X	X	X	X	X	
IA	X	X		X				
M	X	X	X	X	X	X	X	M-3 only

Type of Sign Permitted

March 15, 1991

District	Wall Sign	Free * Standing	Project -ing	Marquee Sign	Mobile Signs	Off - Premise**		
						100 SF	300 SF	675 SF
R	X							
POD	X	X						
B1A/B1B	X	X	X	X	X	X		
B-2	X	X		X				
B3A	X	X		X	X			
B3B/B4	X	X	X	X	X	X	X	X
M	X	X	X	X	X	X	X	X

* Free standing signs have replaced "pole" and "ground signs".

** Except in the Central Business District as defined in this ordinance.

Wall Signs

Draft 10/18/90

District	Sq. Ft.	Notes:
R	1 Sq. Ft.	Non-illuminated
POD	50 Sq. Ft.	1 per main building
B1A/B1B	100 Sq. Ft.	Per facade
B-2's	25% up to *	*Sq.Ft. of a Free Standing
B3A	50 Sq. Ft. 100 Sq. Ft. 300 Sq. Ft.	If up to 50 ft. above grade If 50 - 100 ft. above grade If over 100 ft. above grade
B3B/B4	30% up to 250	Per facade
IA	30% up to 300	Per facade
M's	30% up to 300	Per facade

Wall Signs

March 15, 1991

District	Sq. Ft.	Notes:
R	1 Sq. Ft.	Non-illuminated
POD	50 Sq. Ft.	1 per main building
B1A/B1B	100 Sq. Ft.	Per facade
B-2's	25% up to *	*Sq.Ft. of a Free Standing
B3A	50 Sq. Ft. 100 Sq. Ft. 300 Sq. Ft.	If up to 50 ft. above grade If 50 - 100 ft. above grade If over 100 ft. above grade
B3B/B4	30% up to 250	Per facade
M's	30% up to 300	Per facade

Free Standing Signs

Draft 10/18/90

District	SqFt	Ht.	Setback	Notes
R				Not Permitted
POD	32	6'	5'	See text re: Residential Dist.
B1A/B1B	100	35	5'	Front & side setback
B-2's	200 300 400	35 40 50	5' 5' 5'	B-2-A B-2-B or B-2-C B-2-D
B-3-A	100	35	5'	
B3B/B-4	250	50	5'	
IA	200 300	50 35	5' 5'	If > 1 business on lot
M's	300	50	5'	

Free Standing Signs

March 15, 1991

District	SqFt	Ht.	Setback	Notes
R				Not Permitted
POD	32	6'	5'	See text re: Residential Dist.
B1A/B1B	100	35	5'	Front & side setback
B-2's	200 300 400	35 40 50	5' 5' 5'	B-2-A B-2-B or B-2-C B-2-D
B-3-A	100	35	5'	
B3B/B-4	250	50	5'	
M's	300	50	5'	

Off Premise Signs

DRAFT 10/18/90

District	Sq. Ft.	Hght	Setback	RADIAL MEASUREMENT		LINEAL MEASUREMENT from other off premise signs
				from Res. Dist Church, Sch, etc.	from an Office Dist.	
B1A B1B	100SF	35'	15'	500'	300'	1000'
B3B or B4	100SF	35'	15'	500'	300'	1000'
	300SF*	35'	20'	500'	300'	1000'
M-1 M-2	100SF	35'	15'	500'	300'	1000'
	300SF*	35'	20'	500'	300'	1000'
M-3	100SF	35'	15'	500'	300'	1000'
	300SF*	35'	20'	500'	300'	1000'
	675SF*	35'	30'	500'	300'	1000'

Off Premise Signs*

March 15, 1991

District	Sq. Ft.	Hght	Setback	RADIAL DISTANCE from Res. Dist Church, Sch, etc.	LINEAL DISTANCE from an Office Dist.	LINEAL DISTANCE from other off premise signs
B1A B1B	100SF	35'	15'	250'	150'	300'
B3B or B4	100SF	35'	15'	250'	150'	300'
	300SF	35'	20'	250'	150'	500'
	675SF	35'	30'	250'	150'	1000'
M-1 M-2 M-3	100SF	35'	15'	250'	150'	300'
	300SF	35'	20'	250'	150'	500'
	675SF	35'	30'	250'	150'	1000'

* Off-Premise signs are not permitted in the Central Business District as defined in this ordinance.



MEMORANDUM

TO: Members of the City Council

FROM: Greg Purcell, Director, Community & Economic Development

DATE: March 26, 1991

SUBJECT: Sign Ordinance

Attached are two documents for consideration by the City Council.

- A) The new Sign Ordinance in total, which rescinds the 1986 ordinance.
- B) Summary comparison of the proposed new Sign Ordinance with the ordinance adopted in 1986.

We are recommending the rescinding of the existing ordinance in lieu of making amendments to it for ease of understanding.

You will note that the new proposed ordinance is considerably shorter and less complicated than the existing ordinance. The chart in the back of the ordinance is also helpful in making the ordinance fairly easy to understand for the general public.

I would like to draw your attention to some of the notable changes in the ordinance.

Highlights

- 1) Eases some of the restrictions for "on-premise" signs.
- 2) Standardizes most of the controls and square footage requirements for signs.
- 3) Prohibits any "off-premise" signs in the downtown area.
- 4) Provides greater protection from signs for residential districts, churches, and schools.
- 5) Provides for greater spacing between "off-premise" signs.
- 6) The section on political campaign signs has been deleted.

As you are aware, the ordinance only controls new signs since all existing signs are legally non-conforming.

The staff of the Planning Department and the Sign Ordinance Review Committee have worked together for many months to prepare the ordinance. A list of the membership of the Committee is also attached for your information.

We believe the new ordinance properly addresses most of the concerns raised by the business community, sign industry, neighborhood associations, and City Council members. The Sign Ordinance Review Committee unanimously recommends approval of the ordinance--with one area of exception. The off-premise section of the ordinance is still an area of controversy.

While the staff recommended a 500' distance (measured radially) of off-premise signs from residential districts, schools, and churches, the Committee reduced the distance to 250'. However, the representative from the off-premise industry is still not satisfied with the limitation. The industry representative voted against the ordinance on this basis, and expressed a preference for a lineal spacing only for residential areas, churches, and schools. Council members may expect to hear concerns on this element of the ordinance during discussion.

Should you have any questions concerning the ordinance prior to the Council meeting on this topic, do not hesitate to contact me.

GP/gb

Attachments

October, 1990

SIGN ORDINANCE REVIEW COMMITTEE

Neighborhood Representative:

Doug Morris
Parkview Hospital
2200 Randalia Drive
Fort Wayne, IN 46805
PHONE: 484-6636 (ext. 4461)

Business Representatives:

Randy O'Daniel
O'Daniel Oldsmobile
5611 Illinois Road
Fort Wayne, IN 46804
PHONE: 432-7058

Donald Keltsch
Keltsch Pharmacy
4111 N. Clinton Street
Fort Wayne, IN 46805
PHONE: 482-1510

Sign Industry Representatives:

Brad Schuchhardt
Burkhart Advertising
4511 Executive Blvd.
Fort Wayne, IN 46808
PHONE: 482-9566

Rick Middleton
Mid-American Signs
3510 S. Calhoun Street
Fort Wayne, IN 46807
PHONE: 456-6114

City Council Representative:

Councilwoman Janet Bradbury
2109 Pinnacle Court
Fort Wayne, IN 46815
PHONE: 493-1492

Type of Sign Permitted

March 15, 1991

District	Wall Sign	Free * Standing	Project -ing	Marquee Sign	Mobile Signs	Off - Premise**		
						100 SF	300 SF	675 SF
R	X							
POD	X	X						
B1A/B1B	X	X	X	X	X	X		
B-2	X	X		X				
B3A	X	X		X	X			
B3B/B4	X	X	X	X	X	X	X	X
M	X	X	X	X	X	X	X	X

* Free standing signs have replaced "pole" and "ground signs".

** Except in the Central Business District as defined in this ordinance.

Wall Signs

(Proposed text is shaded)

March 15, 1991

District	Sq. Ft.	Notes:
R	1 Sq. Ft.	Non-illuminated
	No change...	
POD	50 Sq. Ft.	1 per main building
	32 Sq. Ft.	
B1A/B1B	100 Sq. Ft.	Per facade
	25% up to 100	
B-2's	25% up to *	*Sq.Ft. of a Free Standing
	25% up to 200	
B3A	50 Sq. Ft.	If up to 50 ft. above grade
	No change...	
	100 Sq. Ft.	If 50 - 100 ft. above grade
	No change...	
	300 Sq. Ft.	If over 100 ft. above grade
	No change...	
B3B/B4	30% up to 250	Per facade
	up to 150	
M's	30% up to 300	Per facade
	25%	

Free Standing Signs

(Proposed text is shaded)

March 15, 1991

District	SqFt	Ht.	Setback	Notes:
R				Not Permitted
POD	32	6'	5'	See text re Residential Dist.
			10'	
B1A/B1B	100	35	5'	Front & side setback
	*		7 1/2'	
B-2's	200	35	5'	B-2-A
	150		20'	
	300	40	5'	B-2-B or B-2-C
	200		20'	
	400	50	5'	B-2-D
			20'	
B-3-A	100	35	5'	
			15'	
B3B/B-4	250	50	5'	
	**		15'	
M's	300	50	5'	
	****	*****	5-15'	

Free Standing signs now replace "pole" or "ground" signs.

*Ranges from 50 Sq. Ft. to 100 Sq. Ft. depending on distance from residential or office zoning, sign type, and number of businesses.

**Ranges from 50 Sq. Ft. to 250 Sq. Ft. depending on above.

***Ranges from 75 Sq. Ft. to 300 Sq. Ft. and from 10ft. ht. to a 50ft. ht. depending on above.

****Ranges from 75 Sq. Ft. to 300 Sq. Ft. depending on above.

***** 1 1/2 times the height of the building up to 35 ft.

Off Premise Signs**

(Proposed text is shaded)

March 15, 1991

District	Sq. Ft.	Hght	Setback	RADIAL DISTANCE from Res. Dist Church, Sch, etc.	LINEAL DISTANCE from an Office Dist.	LINEAL DISTANCE from other off premise signs
B1A						
B1B	100SF	35'	15'	250'	150'	300'
		16'		200'	100' Radius	300' from Signs < 100 Sq. Ft. 500' from Signs < 300 Sq. Ft.
B3B or B4	100SF	35'	15'	250'	150'	300'
		16'		200'	100' Radius	250' from Signs < 100 Sq. Ft. 300' from Signs < 300 Sq. Ft. 250/750' from Signs > 300 Sq. Ft.
	300SF*	35'	20'	250'	150'	500'
		***		300'	150' Radius	Same as above
	675SF*	35'	30'	250'	150'	1000'
		***	25'	500'	250' Radius	
M-1 M-2 M-3	100SF	35'	15'	250'	150'	300'
		16'		200'	100' Radius	250' from Signs < 100 Sq. Ft. 300' from Signs < 300 Sq. Ft. 600' from Signs > 300 Sq. Ft.***
	300SF*	35'	20'	250'	150'	500'
		***		300'	150' Radius	See above and ****
	675SF*	35'	30'	250'	150'	1000'
		***		300'	150' Radius	500'

* In lieu of the off-premise sign/s above.

** Not permitted in the Central Business District as defined in this ordinance.

*** 1 1/2 times the height of the closest building.

**** 500' from Signs > 300 Sq. Ft. in M-3

Type of Sign Permitted

March 15, 1991

District	Wall Sign	Free Standing	Project -ing	Marquee Sign	Mobile Signs	Off - Premise*		
						100 SF	300 SF	675 SF
R	X							
POD	X	X						
B1A/B1B	X	X	X	X	X	X		
B-2	X	X		X				
B3A	X	X		X	X			
B3B/B4	X	X	X	X	X	X	X	X
M	X	X	X	X	X	X	X	X

* Except in the Central Business District as defined in this ordinance.

Off Premise Signs*

March 15, 1991

District	Sq. Ft.	Hght	Setback	RADIAL DISTANCE from Res. Dist Church, Sch., etc.	LINEAL DISTANCE from an Office Dist.	LINEAL DISTANCE from other off premise signs
B1A B1B	100SF	35'	15'	250'	150'	300'
B3B or B4	100SF	35'	15'	250'	150'	300'
	300SF	35'	20'	250'	150'	500'
	675SF	35'	30'	250'	150'	1000'
M-1 M-2 M-3	100SF	35'	15'	250'	150'	300'
	300SF	35'	20'	250'	150'	500'
	675SF	35'	30'	250'	150'	1000'

* Off-Premise signs are not permitted in the Central Business District as defined in this ordinance.

SIGN ORDINANCE

Effective Date November 6, 1986

Revised G-09-87

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Chapter 34

Signs

Section:	34.010	Purpose
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	34.030	Requirement of Permit
	34.040	Maintenance and Removal
	34.050	Miscellaneous Provisions
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	34.200	Severability of Provisions of This Chapter

34.010 Purpose. The sign regulations for this chapter are set forth in this Chapter. Any additional conditions imposed by the State of Indiana or federal government and other applicable ordinances or regulations also apply.

The regulation of signs is necessary for the following reasons:

- (A) To preserve the unique character of certain areas of the city;
- (B) To protect and promote property values and economic growth of the community;
- (C) To protect the public safety and welfare from damages or injury partially attributed to distractions and/or obstructions caused by improperly situated and/or flashing signs;
- (D) To promote the convenience and enjoyment of travel within the City of Fort Wayne;
- (E) To improve appearance and aesthetic quality of the community.

34.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (A) Sign shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.
- (B) On-Premise Sign shall mean any sign which identifies or directs attention to a product, service, activity or business conducted on the premises on which the sign is located.

- (C) Off-Premise Sign shall mean any sign which identifies or directs attention to a product, service, or activity not conducted on the premises on which the sign is located;
- (D) Area of Sign shall mean the area of the largest single face of the sign, within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding necessary supports, uprights or structures on which the sign may be placed. If the sign consists of more than one section or module all areas will be totaled. Individual letters mounted or painted on a wall shall be calculated as copy area.
- (E) Construction Sign shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (F) Copy Area shall mean the area in square feet of the smallest geometric figure which encloses the area enclosed by the actual copy of a sign.
- (G) Copy (Permanent and Changeable) shall mean the wording or a sign surface either in permanent or removable letter form;
- (H) Direction Sign shall mean any sign which serves solely to designate the location or direction of any area or place;
- (I) Directory Sign shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (J) Facade shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway or exterior wall at an angle to a street;
- (K) Flashing Sign shall mean any sign which contains or is lighted by an externally mounted intermittent or flashing light source.
- (L) Ground Sign shall mean a billboard or similar type of sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a pole sign, as defined in this Chapter;
- (M) Health Care Facilities. Health care facilities shall mean a building or structure, licensed or approved by the state or an appropriate agency, if required, used as any of the following:
 - (a) Hospitals: A hospital may include offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the department of health of the state of Indiana, provided, that any such private offices for the practice of medicine and dentistry shall be located on the hospital lot and the doctors and dentists involved therein must be on the staff of the hospital;
 - (b) Convalescent or nursing home;
 - (c) A facility in which sixteen (16) or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;

(d) A facility for out-patient physical, occupational, or vocational therapy or rehabilitation;

(e) Public health clinics and facilities.

Except as provided in (a) above, health care facilities does not include doctors' or dentists' professional offices and private clinics.

- (N) Height of a Sign shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (O) Illuminated Sign shall mean any sign which is directly lighted by any electrical light source, internal or external (See 34.050 (c));
- (P) Marquee (or canopy or mansard-type projection) shall mean a permanent roof-like shelter extending from part or all of a building face;
- (Q) Marquee Sign (or canopy sign) shall mean a sign designed and constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee;
- (R) Mobile Sign shall mean a sign which is designed to be moved from one location to another by means of wheels.
- (S) Pole Sign shall mean a sign wholly supported by a sign structure in the ground with any part of the copy area having a minimum of ten (10) foot clearance above grade;
- (T) Projecting Sign shall mean a sign other than a wall sign which is attached to and projects from a structure or building face and does not project above roof line or cornice wall;
- (U) Projection shall mean the distance by which a sign extends beyond a building or structure;
- (V) Real Estate Sign shall mean any sign which identifies an offer of the sale, rental, or lease of the premises on which it is located;
- (W) Roof Sign shall mean any sign or part erected upon, against, or directly above a roof or on top of or above the parapet or cornice wall of a building;
- (X) Rotating Sign shall mean any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs;
- (Y) Seasonal or Holiday Signs shall mean signs used for special non-commercial occasions, such as religious and national holidays, and installed for a limited period of time;
- (Z) Temporary Sign shall mean a sign which is not permanently erected or affixed including all devices such as banners, pennants, flags (not intended to include flags of any nations) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only;
- (AA) Wall Sign shall mean any sign attached to the wall whether parallel or at an angle to the wall of a building

with the display surface to which it is attached, and which projects no more than twelve (12) inches from said wall surface;

- (BB) Window Sign shall mean a sign installed on a window which is intended to be viewed from outside the premises and is three (3) feet or less from the window or is located within a window display area formed by walls or doors that block the view into the main building.
- (CC) Political Campaign Signs shall mean a temporary sign identifying a political candidate, referendum or party.

34.030 - Requirement of Permit. A sign permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

34.040 - Maintenance and Removal.

- (A) All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Zoning Enforcement Officer for the City of Fort Wayne, or his/her authorized representative, hereinafter the "Zoning Enforcement Officer", shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Zoning Enforcement Officer, or his/her authorized representative, shall send written notice to the owner of the property and sign structure on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 working days, the Zoning Enforcement Officer, or his/her authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter;

- (B) Signs shall be considered no longer functional and abandoned when they cease to perform their intended function.

Signs which are no longer functional or abandoned shall be removed within 90 days following such abandonment. If said sign is not removed, the Zoning Enforcement Officer, or his/her authorized representative, shall send written notice to the owner of the property on which the sign is located, notifying him that said sign must be removed within 90 working days or the City of Fort Wayne can cause the sign to be removed at the expense of the owner of the sign;

- (C) Any legally established sign that does not comply with the provisions of this Chapter "Non-conforming Sign" shall be permitted as long as there is no alteration in size or location. If such sign is damaged or dilapidated more than fifty percent (50%) of its replacement cost, according to appraisal by a licensed appraiser, at time of damage or repair, it shall not be rebuilt; provided, that nothing in this section shall prevent maintenance, repainting or normal repair of legally established

nonconforming signs except as otherwise provided in this Chapter;

34.050 - Miscellaneous Provisions

- (A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;
- (B) No sign or part thereof shall be erected or maintained in required front, side, or rear yard in any zoning district as set forth in the Zoning Ordinance, Chapter 33 of the Municipal Code of the City of Fort Wayne, except as provided in this Chapter;
- (C) Signs may be illuminated by direct or indirect lighting sources, provided that the beam from an indirect source shall be effectively concealed from view. Signs which incorporate in any manner any flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;
- (D) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;
- (E) No sign shall move, rotate, revolve, or simulate movement by means of spinning, fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate not to exceed six (6) revolutions per minute;
- (F) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way, except as expressly provided in this Chapter;
- (G) No sign shall be erected upon, against, or directly above a roof or on top of or above the parapet of a building except as expressly provided in this Chapter;
- (H) No sign shall exceed the maximum height permitted for buildings in the zoning district in which it is located except as otherwise specifically provided in this Chapter;
- (I) Every sign shall be permanently attached to the ground or to a building or structure which is permanently attached to the ground, except for mobile signs;
- (J) The area of a double-faced sign or V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;
- (K) No sign shall be painted on or attached to rocks, trees or any other natural object, except monument signs;
- (L) Sign regulations for permitted special and contingent uses and nonconforming uses shall be the same as those in the zoning district in which they are located, except as otherwise provided in this Chapter;
- (M) No sign shall be erected, placed, or maintained that obstructs the view of the existing traveled roadway at the corner formed by intersecting streets within that triangular area, bounded by the curb lines and a diagonal line joining points on the property lines located forty (40) feet from the point of intersection of the property lines on two intersecting streets. In the case of

rounded corners, the triangular area bounded by the tangents to the curve of the property lines on two intersecting streets and a diagonal line joining tangents to said curves at points that are located forty (40) feet from the point of intersection of said tangents. The tangents referred to are those at the beginning and the end of the curve of the corner. Any obstruction maintained or existing in violation of this section shall be deemed a public nuisance;

- (N) No sign or part thereof shall be erected in those zoning districts which are adjacent to or within the area of the Interstate and Federal-Aid Primary Road Systems in contravention of the advertising controls of the State of Indiana;
- (O) Signs which have any visible moving parts, including signs which are designed to achieve movement by action of wind currents, or which have mobile, revolving, or animated parts are prohibited, except for barber poles, time and temperature signs, in non-residential districts no more than 25% of total sign area may provide simulated movement through shimmering by external light, and except as permitted in this Chapter;
- (P) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a 45-day period, and consistent with all other regulations in this Chapter.
- (Q) Mobile signs may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such signs shall be permitted for a period of sixty (60) days. Each improvement location permit for such a sign shall not be issued for less than seven (7) days.

34.060 - Permitted Signs. The specific regulations for signs and their supporting structures in the various zoning districts are as set out in this Chapter. In the event of any conflict, the most restrictive governing provision shall apply.

34.070 - Permitted Signs: Residential Districts.

- (A) Permitted Signs: R-A, R-B, R-1, R-2, and R-3, zoning districts. In the R-A, R-B, R-1, R-2, and R-3, zoning districts, one on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and non-reflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information.

34.080 - Permitted Signs: Office District.

- (A) Permitted Signs: POD zoning district.
 - (1) In POD districts, one on-premise wall sign not exceeding thirty-two (32) square feet in area for each main building, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage. Neon or gas tubing shall be used only as internal, or shielded lighting.
 - (2) In the POD district, one on-premise ground sign per street frontage, identifying the name of the office park or primary activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32)

one pole. If located within 100 feet or less of any City or County residential district and 50 feet from any City or County office district in any direction along frontage on both sides of a street and cross streets, the resultant sign shall not exceed twenty-four (24) square feet per business or one hundred (100) square feet in total area, whichever is less. Such pole signs shall be spaced a minimum of fifty (50) feet apart between two lots along any street frontage. Such sign shall have a maximum height of twenty (20) feet. If such sign is located 100 feet or more from any City or County residential or 50 feet or more from any City or County office zoning districts in any direction along frontage on both sides of a street and cross streets, the resultant sign shall not exceed fifty (50) square feet per business or two hundred (200) square feet in total area, whichever is less. Such pole signs shall be spaced a minimum of one-hundred (100) feet apart between two lots along any street frontage. Such sign shall have a maximum height of 1 1/2 times the height of building it advertises or thirty-five (35) feet, whichever is less. Such sign shall be located a minimum of 7.5 feet from front lot line.

- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise ground sign is permitted, such ground signs shall be spaced a minimum of fifty (50) feet apart between two lots along any street frontage. If such sign is located within twenty-five (25) feet from any City or County residential or within ten (10) feet from any City or County office district, it shall not exceed thirty-two (32) square feet in area and five (5) feet in height, such signs may be located in the required front yard but no closer than five (5) feet from the front lot line. If such sign is located more than twenty (25) feet from any City or County residential or more than ten (10) feet from any City or County office district it may be 50 square feet in area and 6 feet in height and no closer than five (5) feet from front lot line.

Where more than one business is located on the lot, the on-premise ground signs shall be combined. If such resultant sign is located 50 feet from any City or County residential or within 25 feet from any City or County office district, the resultant sign shall not exceed twenty (20) square feet per business nor seventy-five (75) square feet in total area, whichever is less. Such ground sign shall be spaced a minimum of fifty (50) feet apart between two lots along any street frontage. Such sign may be located in the required front yard but no closer than five (5) feet from the front lot line and shall not exceed six (6) feet in height. If such combined resultant sign is located more than 50 feet from any City or County residential or more than 25 feet from any City or County office district it shall not exceed thirty-two (32) square feet per business nor one-hundred (100) square feet total area, whichever is less, shall be located at least seventy-five (75) feet apart between two lots along any street frontage and have a maximum height of 8 feet.

- (4) In lieu of the sign permitted in paragraph (2) and (3) above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard, but it shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the lot, the on-premise projection signs shall be combined, and resultant sign shall not exceed fifteen (15) square feet per business nor seventy-five (75) square feet in total area, whichever is less.

- (5) One on-premise marquee sign is permitted. This sign may be attached to the marquee provided such sign does not exceed three (3) feet in height, may be as long as the marquee and is designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below, and shall not project above the cornice or roof of the building.
- (6) (1) One off-premise sign not exceeding one hundred (100) square feet in total area is permitted in the B-1A and B-1B zoning districts. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line, shall not exceed sixteen (16) feet in height. Such sign shall be spaced three hundred (300) feet from any other off-premise sign with 100 square feet or less in area and 500 feet from any other off-premise sign with 300 square feet or less in area in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located closer than two hundred (200) feet from any City or County residential district and from any church, school and health care facility. Such off-premise sign shall not be located closer than 100 feet from any City or County office district.
- (11) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and is not further than 12" at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.
- (7) Within fifty (50) feet of any City or County residential or office zoning district, no pole sign shall face directly toward such district.
- (B) Permitted Signs; B-2, Zoning District. In the B-2 zoning district, the specific regulations are as follows:
 - (1) Except as provided herein, all signs shall be attached to a building or marquee and shall not project above the top of the building or marquee to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs on building facade per business shall not exceed twenty-five percent (25%) coverage of the wall surface, or 200 square feet in area, whichever is less.
 - (2) One on-premise pole or ground sign or other graphic identification identifying the entire commercial area within a B-2 district and not exceeding the maximum

square footage in area and height as provided in this section may be permitted on each public street abutting the perimeter of such district, provided that such street frontage shall extend for a contiguous distance of no less than three hundred (300) feet. In a B-2 zoning district, if the frontage along a public street exceeds one thousand (1,000) feet, there may be two such on-premise pole or ground signs permitted but not located closer than five hundred (500) feet to each other. In addition, any distinct commercial area within the entire B-2 district which has an area of ten (10) acres or more and is designed as a distinct shopping complex shall be permitted one on-premise pole or ground sign, not exceeding one hundred (100) square feet in area on each public or private street abutting the perimeter of said area; provided that such frontage shall extend for a contiguous distance of no less than three hundred (300) feet.

Conforming signs are permitted in the required front yard but not closer than twenty (20) feet from the front property line. The maximum square footage for a sign for each district shall be:

B-2A -	Area 150 square feet; Height 35 feet
B-2B & B-2C -	Area 200 square feet; Height 40 feet
B-2D -	Area 400 square feet; Height 50 feet

- (3) One on-premise marquee sign per business is permitted. Such on-premise marquee signs may be attached to the marquee provided such signs do not exceed three (3) feet in height and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building. All such marquee signs below the marquee shall not exceed twelve (12) square feet in area.
 - (4) Any proposed signs in the B-2 zoning district shall be subject to Plan Commission review as part of Development Plan process. The sign subparagraph 1, 2, and 3 above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.
 - (5) Pre-existing Signs: Any sign that was legally erected in this district prior to the effective date of this ordinance shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains same as that of pre-existing sign.
- (C) Permitted Signs; B-3-A Zoning District. In the B-3-A zoning district, the specific regulations are as follows:
- (1) One on-premise marquee sign is permitted. Such on-premise marquee signs may be attached to the marquee provided such signs do not exceed three (3) feet in height, may be as long as the marquee and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety

(90) degree angle to the building and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building. All such marquee signs below the marquee shall not exceed twelve (12) square feet in area.

- (2) On-premise wall signs on building facades, per business, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building with a minimum clearance of eight (8) feet above the walk or grade below. The copy area of such wall signs per building facade shall be as follows:
 - i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
 - ii) If the sign is located over fifty (50) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
 - iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.
- (3) One on-premise pole sign per building per street frontage is permitted. Such sign shall be spaced a minimum of fifty (50) feet apart between two lots along any street frontage. Such pole sign shall not exceed one hundred (100) square feet in area and shall have a maximum length of 1 1/2 times the height of building it advertises or thirty five (35) feet whichever is less and shall be located a minimum of fifteen (15) feet from the front lot line.
- (4) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.
- (5) Signs located in Calhoun Street shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.
- (D) Permitted Signs; B-3B and B-4 Zoning Districts. In the B-3-B and B-4 zoning districts. Signs are permitted in accordance with the following regulations:
 - (1) One on-premise wall sign on the building facade per business, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, is permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or a total of one hundred fifty (150) square feet, whichever is less.
 - (2) One on-premise pole sign per building per street frontage is permitted. If located within one hundred (100) feet of any City or County residential or within 50 feet from any City or County office district in any direction along frontage on both sides of a street and cross streets,

such signs shall be spaced a minimum of fifty (50) feet apart between two lots along any street frontage. Pole sign shall not exceed one hundred (100) square feet in area and a pole sign shall have a maximum height of twenty-five (25) feet, and shall be located a minimum of ten (10) feet from any side lot line. A pole sign may be located not closer than fifteen (15) feet to the front lot line. If such sign is located more than one-hundred (100) feet from any City or County residential or more than 50 feet from any City or County office zoning district in any direction along frontage on both sides of a street and cross streets, such signs shall be spaced a minimum of one-hundred (100) feet apart between two lots along any street frontage. Pole sign shall not exceed two-hundred and fifty (250) square feet in area and a pole sign shall have a maximum height of 1 1/2 times the height of the building it advertises or fifty (50) feet, whichever is less and shall be located a minimum of ten (10) feet from any side lot line and may be located not closer than fifteen (15) feet to the front lot line.

Where more than one business is located on the lot, the on-premise pole signs permitted shall be combined. If located within 100 feet of any City or County residential or within 50 feet from any City or County office zoning district in any direction along frontage on both sides of a street and cross streets, the resultant sign shall not exceed fifty (50) square feet per business or one hundred and fifty (150) square feet total, whichever is less, in area. Such pole signs shall be spaced a minimum of fifty (50) feet apart between two (2) lots along any street frontage not to exceed 1 1/2 times the height of the building it advertises or thirty-five (35) feet in height, whichever is less. Such sign shall be located a minimum of ten (10) feet from any side lot line and may be located no closer than fifteen (15) feet to the front lot line.

If such sign is located more than one-hundred (100) feet from any City or County residential or more than 50 feet from any City or County office zoning district in any direction along the side frontage on both sides of a street and cross streets, the resultant sign shall not exceed one-hundred (100) square feet per business or three-hundred (300) square feet total, whichever is less, in area. Such pole signs shall be spaced a minimum of one-hundred (100) feet apart between two (2) lots along any street frontage, not to exceed 1 1/2 times the height of building it advertises or fifty (50) feet in height, whichever is less.

If a single business has a frontage that is more than three-hundred (300) feet, a second on-premise pole sign may be installed, provided all other provisions of this regulation are met. Such signs shall not exceed one-hundred forty (140) square feet in area, not exceed 1 1/2 times the height of the building it advertises or thirty-five (35) feet in height whichever is less, and not located closer than ten (10) feet to any side lot line and fifteen (15) feet to front lot line. Such sign shall be spaced a minimum of fifty (50) feet apart between two (2) lots along any street frontage.

- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise ground sign is permitted. If such ground sign is located within twenty-five (25) feet to any City or County residential or no closer than 10 feet to any City or County office district it shall not exceed fifty (50) in area and six (6) feet in height and be spaced a

the street fifty (50) feet apart between two lots along the front frontage, no closer than five (5) feet from such lot line. If such sign is located more than twenty-five (25) feet from any city or County residential district it may not exceed seventy-five (75) square feet in area and 8 feet in height.

Where more than one business is located on the lot, the on-premise signs shall be combined. If such ground sign is located within fifty (50) feet from any city or County residential or County office district, the resultant sign shall not exceed thirty (30) square feet per business nor shall be less, and (100) square feet in total area, whichever is less, and (100) square feet in total frontage, no closer than five (5) feet to the front lot line and shall not exceed eight (8) feet in height. If such combined sign is located more than 50 feet from any city or County residential or County office district, it shall exceed forty-five (45) square feet per business nor not spaced seventy-five (75) feet apart is less, shall be 150 feet and not be located closer than five (5) feet to the front lot line.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a maximum height of 10 feet (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the lot, the on-premise projecting signs shall be combined. The combined sign shall not exceed thirty (30) square feet per business nor one hundred (100) square feet in total area, whichever is less.

(5) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height, may extend as long as the marquee and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building.

(6) One off-premise sign is permitted as follows:

(1) One off-premise sign not exceeding one hundred (100) square feet in area is permitted in the B-3B and B-4 zoning districts. Each off-premise sign may contain a maximum of two (2) faces sign facing the same direction as long as the total faces are not separated by more than fifteen (15) feet to the sign front lot line, shall not exceed sixteen (16) square feet in height, such sign shall be spaced two hundred feet with one hundred (100) other off-premise signs in area, one hundred (300) feet from any other sign with three

hundred (300) square feet or less in area in any direction along frontage on both sides of a street and cross streets. Such sign shall be spaced seven hundred fifty (750) feet, on same side of a street and two hundred fifty (250) feet in any direction along frontage on both sides of a street and cross streets from any other off-premise sign with more than three (300) hundred square feet in area. Such off-premise sign shall be located closer than two hundred (200) feet from any City or County residential district and from any church, school and health care facility. Such off-premise sign shall not be located closer than one hundred (100) feet from any City or County office district.

- (ii) In lieu of item (i) above, one off-premise sign not exceeding three hundred (300) square feet in total area is permitted in the B-3B and B-4 zoning districts. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than 12 inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, shall not exceed 1.5 times the height of the adjacent building closest to such sign or thirty-five (35) feet whichever is less. Such sign shall be spaced three hundred (300) feet from any other off-premise sign with three hundred (300) square feet or less in area in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall be spaced seven hundred fifty (750) feet on same side of a street and two hundred fifty (250) feet in any direction along frontage on both sides of a street and cross streets from any other off-premise sign with more than three hundred (300) square feet in area. Such off-premise sign shall not be located closer than three hundred (300) feet from any City or County residential district and from any church, school and health care facility. Such off-premise sign shall not be located closer than 150 feet from any City or County office district.

- (iii) In lieu of items (i) and (ii) above, one off-premise sign not exceeding six hundred seventy-five (675) square feet in total area is permitted in B-3B and B-4 zoning districts. Each off-premise sign may contain a maximum of two sign faces facing the same direction as long as the two faces are not separated by more than 12 inch distance. Such sign shall be no closer than twenty-five (25) feet to the front lot line, shall not exceed 1.5 times the height of the adjacent building closest to such sign or thirty-five (35) feet whichever is less.

The spacing between such-off premise sign and any other off-premise sign shall be as follows:

- (A) The minimum distance between off-premise signs located along and oriented toward the same public street shall be seven hundred fifty (750) feet, subject to the following:
- (a) The spacing requirement shall be applied separately to each side of a public street.

(b) The spacing requirement shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting side street.

(B) In no event shall an off-premise sign be closer than two hundred fifty (250) feet from any other off-premise sign regardless of location orientation.

(C) The method of measurement of the spacing between off-premise signs oriented toward and located along the same side of a street, between signs oriented toward different streets, and between those signs oriented toward but located on opposite sides of the same street, shall be the straight line distance between the nearest point of each sign.

Such off-premise sign shall not be located closer than five hundred (500) feet to any City or County residential district and from any church, school and health care facility. Such off-premise sign shall not be located closer than 250 feet to any City or County office district.

(iv) Each off-premise sign may contain a maximum of two sign faces facing the same direction as long as the total sign area is not exceeded and the two faces are not separated by more than 12 inch distance.

(v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than 12" at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(7) Within fifty (50) feet of any City or County residential or office zoning districts, no pole sign shall face directly toward such district.

(E) Permitted Signs, IA Zoning District. In the IA zoning district, the specific regulations are as follows:

(1) One on-premise wall sign on the building facade per business, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall is permitted. The copy area of such wall sign shall not exceed thirty percent (30%) coverage of the wall face, or one hundred fifty (150) square feet, whichever is less.

(2) One on-premise pole sign for each building per street frontage is permitted. Such sign shall not be closer than fifty (50) feet to any City or County residential or not be closer than twenty-five (25) feet to any City or County office district. If such sign is located within one-hundred (100) feet from any City or County residential or within 50 feet from any City or County office district, it shall not exceed one hundred (100) square feet in area, height not to exceed 1 1/2 times the height of the building it advertises or thirty-five (35) feet whichever is less and shall be spaced at least fifty (50) feet apart between two (2) lots along any street

frontage. If such sign is located more than one-hundred (100) feet from any City or County office zoning district, it shall not exceed two-hundred (200) square feet in area, height not to exceed 1 1/2 times the height of the building it advertises or fifty (50) feet whichever is less and shall be spaced at least one-hundred (100) feet apart between two (2) lots along any street frontage. Such signs shall not be located closer than twenty (20) feet to front lot line.

Where more than one business is located on a lot, the on-premise pole signs permitted shall be combined. If such combined sign is located within one-hundred (100) feet from any City or County residential or within 50 feet from any City or County office zoning district, it shall not exceed sixty (60) square feet per business or two hundred (200) square feet total whichever is less, in area. Such pole sign shall be spaced at least one hundred (100) feet apart between two (2) lots along a street frontage.

If the combined sign is located more than one-hundred (100) feet from any City or County residential or more than 50 feet from any City or County office zoning district it shall not exceed seventy-five (75) square feet per business or three-hundred (300) square feet total whichever is less, in area. Such pole sign shall be spaced at least two-hundred (200) feet apart between two (2) lots along any street frontage. Such combined pole sign shall not be located closer than twenty (20) feet to front lot line.

- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise ground sign, for each building per street frontage is permitted. Such sign shall not be closer than twenty-five (25) feet to any City or County residential or closer than 10 feet to any City or County office district. If such sign is located within fifty (50) feet from any City or County residential or within 25 feet from any City or County office zoning district, it shall not exceed seventy-five (75) square feet in area, and height not to exceed ten (10) feet. Such sign may be located in the required front yard but not closer than ten (10) feet from the front lot line and spaced fifty (50) feet apart between two (2) lots along any street frontage.

If such ground sign is located more than fifty (50) feet from any City or County residential or more than 25 feet from any City or County office zoning district, it shall not exceed one-hundred fifty (150) square feet in area, twelve (12) feet in height and spaced seventy-five (75) feet apart between two (2) lots along any street frontage. Such ground sign shall not be located closer than ten (10) feet to front lot line.

Where more than one business is located on a lot, the on-premise ground signs shall be combined. If such combined sign is located fifty (50) feet or less from any City or County residential or 25 feet or less from any City or County office zoning district along side or front lot line, it shall not exceed forty (40) square feet per business or one-hundred fifty (150) square feet total in area, whichever is less, not to exceed fifteen (15) feet in height and spaced one-hundred (100) feet apart between two (2) lots along any street frontage.

If such combined sign is located more than fifty (50) feet from any City or County residential or more than 25 feet from any City or County office zoning district along

side or front lot line, it shall not exceed fifty (50) square feet per business or two-hundred (200) square feet total in area whichever is less, not to exceed twenty (20) feet in height and spaced at least one-hundred fifty (150) feet apart between two (2) lots along any street frontage. Such ground sign shall not be located closer than ten (10) feet to front lot line.

- (4) In addition to the foregoing, if a sign is oriented towards an interstate and is within six hundred sixty (660) feet of a designated Interstate or Federal Aid Primary Road Systems, an on-premise pole sign may be seventy-five (75) feet in height and four hundred (400) square feet in area.
- (5) Any proposed sign in an I-A zoning district shall be subject to Plan Commission review as part of Development Plan process. The sign regulations in sub-paragraphs 1, 2, 3, and 4 above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the I-A zoning district and other development plan procedures.
- (6) Within fifty (50) feet of any City or County residential or office zoning districts, no pole sign shall face directly towards that district.
- (7) Pre-existing Signs: Any sign that was legally erected in this district prior to the effective date of this ordinance shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains same as that of pre-existing sign.

34.100 - Permitted Signs; Industrial Districts.

- (A) Permitted Signs; M-1, M-2, and M-3 zoning districts. In the M-1, M-2, and M-3 zoning districts, the specific regulations are as follows:
 - (1) One on-premise wall sign on building facades per business or industry, attached to the face of the building, marquee, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building with a minimum clearance of eight (8) feet above the walk or grade below. The copy area of such wall signs per building facade shall not exceed twenty-five percent (25%) coverage of the wall face or a total of three hundred (300) square feet, whichever is lesser.
 - (2) One on-premise pole sign on each street frontage of a lot or a primary building is permitted. If such sign is located within one-hundred (100) feet or less from any City or County residential or within 50 feet from any City or County office zoning district, it shall not exceed one hundred (100) square feet in area nor 1 1/2 times the height of building it advertises or thirty-five (35) feet in height, whichever is less. If such sign is located more than one hundred (100) feet from any City or County residential or more than 50 feet from any City or County office zoning district it shall not exceed two-hundred (200) square feet in area nor 1 1/2 times the building it advertises or fifty (50) feet in height, whichever is less. Such sign shall be located no closer

than fifteen (15) feet from the front lot line and shall be spaced fifty (50) feet apart between two (2) lots along any street frontage.

Where more than one (1) company is located on the lot, the on-premise pole signs shall be combined. If such combined sign is located one-hundred (100) feet or less from any City or County residential or 50 feet or less from any City or County office zoning district the sign shall not exceed sixty (60) square feet per company or two hundred (200) square feet total, whichever is less, nor 1 1/2 times the height of the building it advertises or thirty-five (35) feet in height, whichever is less.

If such combined sign is located more than one-hundred (100) feet from any City or County residential or more than 50 feet from any City or County office zoning district the sign shall not exceed seventy-five (75) square feet in area per company or three-hundred (300) square feet total, whichever is less, in area and height not exceed 1.5 times the height of building or fifty (50) feet, whichever is less.

Such pole signs shall be spaced a minimum of one-hundred (100) feet apart between two (2) lots along any street frontage. Such combined pole sign shall be located no closer than fifteen (15) feet to front lot line.

- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise ground sign per lot or primary building per street frontage is permitted. If such sign is located fifty (50) feet or less from any City or County residential or twenty-five (25) feet from any City or County office zoning district it shall not exceed seventy-five (75) square feet in area nor eight (8) feet in height. Such sign may be located in the required front yard but not closer than five (5) feet from front lot line. If such sign is located more than fifty (50) feet from any City or County residential or more than twenty-five (25) feet from any City or County office zoning district it shall not exceed one-hundred (100) square feet in area nor ten (10) feet in height and shall not be located closer than five (5) feet to the front lot line. Such ground sign shall be spaced a minimum of fifty (50) feet apart between two (2) lots along any street frontage.

Where more than one (1) company is located on the lot, the on-premise ground signs shall be combined. If such sign is located within fifty (50) feet from any City or County residential or within twenty-five (25) feet from any City or County office district, the combined sign shall not exceed in area thirty (30) square feet per company or one hundred and fifty (150) square feet total, whichever is less, nor ten (10) feet in height and not be located closer than five (5) feet to front lot line.

If such combined sign is located more than fifty (50) feet from any City or County residential or more than 25 feet from any City or County office district it shall not exceed in area fifty (50) square feet per company or two-hundred (200) square feet total, whichever is less, nor fifteen (15) feet in height and not be located closer than 5 feet to the front lot line. Such ground signs shall be placed a minimum of seventy-five (75) feet apart between two lots along any street frontage.

- (4) One On-premise marquee sign is permitted. Such on-premise marquee signs may be attached to the marquee, provided such signs do not exceed four (4) feet in

height, may be as long as marquee and are designed as an integral part of the marquee. Those signs projecting above or below the marquee shall be erected at a ninety (90) degree angle to the building and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below and shall not project above the cornice wall or roof of the building. All such marquee signs below the marquee shall not exceed twelve (12) square feet in area.

- (5) In lieu of the sign permitted in paragraphs (2), and (3) above, projecting signs may be substituted. Such projecting signs may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of ten (10) feet above the walk or grade below and a maximum area of forty (40) square feet.

- (6) One off-premise sign is permitted as follows:

- (1) One off-premise sign not exceeding one hundred (100) square feet in total area is permitted in M-1, M-2 and M-3 zoning districts. Such sign shall be no closer than fifteen (15) feet to the front lot line, shall not exceed sixteen (16) feet in height. Such sign shall be spaced at least two hundred fifty (250) feet from any other off-premise sign with one hundred (100) square feet or less in area and three hundred (300) feet from any other off-premise sign with three hundred (300) square feet or less in area, in any direction along frontage on both sides of a street and cross streets. In M-1 and M-2 districts, such sign shall be spaced six hundred (600) feet and in M-3 district, five hundred (500) feet from any other off-premise sign with more than three hundred (300) square feet in area in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located closer than two hundred (200) feet to any City or County residential districts and from any church, school and health care facility. Such off-premise sign shall not be located closer than 100 feet to any City or County office district.
- (ii) In lieu of item (i) above, one off-premise sign not exceeding three hundred (300) square feet in total area is permitted in the M-1, M-2, and M-3 zoning districts. Such sign shall be no closer than twenty (20) feet to the front lot line, shall not exceed 1.5 times the height of adjacent building closest to such sign or thirty-five (35) feet, whichever is less, and shall be spaced at least three hundred (300) feet from any other off-premise with three hundred (300) square feet or less in area in any direction along frontage on both sides of a street and cross streets. In M-1 and M-2 districts, such sign shall be spaced six hundred (600) feet and in M-3 district, five hundred (500) feet from any other off-premise sign with more than three hundred (300) square feet in area in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located closer than three hundred (300) feet from any City or County residential district and from any church, school and health care facility. Such off premise sign shall not be located closer than 150 feet to any City or County office district.

- (iii) In lieu of items (i) and (ii) above, one off-premise sign not exceeding six hundred seventy-five (675) square feet in total area is permitted in M-1 and M-2 zoning districts. Such sign shall be no closer than thirty (30) feet to the front lot line, shall not exceed 1.5 times the height of adjacent building closest to such sign or thirty-five (35) feet, whichever is less, and shall be spaced at least six hundred (600) feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off premise sign shall not be located closer than five hundred (500) feet to any City or County residential district and from any church, school, and health care facility. Such off-premise sign shall not be located closer than 250 feet to any City or County office district.
- (iv) In lieu of items (i), (ii) or (iii) above, one off-premise sign not exceeding six hundred seventy-five (675) square feet in area is permitted in M-3 zoning district. Such sign shall be no closer than thirty (30) feet to the front lot line, shall not exceed 1.5 times the height of adjacent building closest to such sign or fifty (50) feet, whichever is less, and shall be spaced five hundred (500) feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall be located a minimum of three hundred (300) feet from any City or County residential district and from any church, school and health care facility. Such off-premise sign shall not be located closer than 150 feet to any City or County office district.
- (v) Each off-premise sign may contain a maximum of two sign faces facing the same direction as long as the total sign area is not exceeded and the two faces are not separated by more than 12 inch distance.
- (vi) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.
- (7) Within fifty (50) feet of any City or County residential or office zoning districts, no pole sign shall face directly towards that district.

34.110 - Planned Districts. The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include POD, B-2 and I-A. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

Such planned program shall include, and address:

- (A) Design, type, size, light and positioning for all signs.
- (B) Design type, size and positioning for any and all individual or combined free standing signs.
- (C) All "comprehensive sign plan" documents should indicate; for each sign:

- (1) Size of sign face;
- (2) Construction material;
- (3) A rendering of signs;
- (4) Lighting and;
- (5) Location.

- (D) "Comprehensive Sign Programs" may be approved by the Plan Commission in conjunction with, or subsequent to, preliminary and final development plan. The developer may request Plan Commission approval to start project construction, but may not place or cause to be placed any sign, without such "Comprehensive Sign Program" approvals.
- (E) Such signs shall conform to all the requirements of the district.

34.120 - Other Permitted Signs. The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit:

- (A) In all residential zoning districts, on-premise ground signs not exceeding twenty (20) square feet in area nor five (5) feet in height, identifying multiple family housing complexes or subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed thirty-two (32) square feet, nor six (6) feet in height. When a part of an approved landscape screen, the sign may be located in the required front yard but not closer than 10 feet from the front lot line. Signs within a required front yard may be located only at an entrance to the multiple complex or subdivision area from a major street. No more than two signs may be located at any entrance.
- (B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:
 - (1) There shall be permitted on an original tract when the main entrance to the subdivision is from a major street, one sign per entrance. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.
 - (2) It shall not be located in a required side, or rear yard and no closer than ten (10) feet to front lot line.
 - (3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.
 - (4) Such sign may be ground lighted or internally illuminated.
 - (5) Such sign shall only be for the identification of the subdivision.
 - (6) The sign must be kept in good condition, neat appearance, and good state of repair. No debris shall be permitted, constitutes a fire hazard.
- (C) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted ground or pole sign if a variance for such sign has first been issued by the Board of Zoning Appeals in conformance with

all requirements of Chapter 33. Such a sign will conform with the following requirements and the Board of Zoning Appeals cannot a waiver from these requirements:

- (1) The business for which the roof sign is sought offers no feasible opportunity for placement of a ground or pole sign as otherwise authorized within the zoning district;
 - (2) The roof signs shall not be higher than the district height limitation for buildings;
 - (3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;
 - (4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;
 - (5) The permitted roof sign shall be no larger in area than the ground or pole sign permitted in the zoning district in which said sign is to be located.
 - (6) Such sign shall not be located closer than sixty (60) feet to a residential district.
- (D) In any zoning district, churches and schools are permitted one on-premise ground sign per street frontage, the area of the sign not to exceed fifty (50) square feet including the structure, and a height not to exceed seven (7) feet. Additionally, one on-premise wall sign is permitted with the area of the sign not exceeding thirty-two (32) square feet.

Signs shall not be located in any required yard. One temporary sign not exceeding twenty-four (24) square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than ten (10) feet to the front lot line.

- (E) In any zoning district, the following on-premise signs shall be permitted:
- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
 - (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
 - (3) Historical or commemorative plaques or tablets;
 - (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
 - (5) Street names and numbers;
 - (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
 - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;

- (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
- (9) Information signs, not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premises, or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted;
- (10) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceed three (3) feet.
- (F) In POD and all business and industrial districts, on sign primarily for the displaying of the time, temperature, weather, or similar public service information shall be permitted. The copy area displaying such information may change, blink, flash, or have the appearance of movement; provided that the changing copy area shall not exceed seventy-five percent (75%) of the total copy area. Such sign shall be integrated as a part of the permitted sign for the premises on which it is located.
- (G) In all nonresidential districts, direction signs not exceeding six (6) square feet in area and three (3) feet in height above grade are permitted. Such signs may be located in any required yard.
- (H) The following signs are permitted on the premises used as service stations, in addition to those signs otherwise permitted in the zoning district in which such service station is located:
 - (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted.
 - (3) One additional on-premise canopy sign per canopy face except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;
 - (4) One two faced sign identifying self-service, full service and gas prices, each face not to exceed fifty (50) feet in area per street frontage;
 - (5) Island signs not to exceed aggregate area of ten (10) square feet per side per island.
- (I) In all nonresidential zoning districts, permanent window signs shall be permitted, provided that such signage does not cover more than twenty-five percent (25%) any window.
- (J) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise ground sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet

height, and shall not be permitted in the required front or side yard of the district in which it is located.

- (K) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

34.125 - Temporary Signs. The following temporary signs shall be permitted with specific regulations as set out below. The following signs shall not require a permit:

- (A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premises, identifying an offer for the sale, rent, or lease of all or part of the premises on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:
- (1) In any residential district; such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height not to exceed four (4) feet.
 - (2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area and shall not be located in any required yard. Its height not to exceed eight (8) feet.
- (B) In any zoning district, an Auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to auction event and must be removed within five (5) days after the event.
- (C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash, or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present or any other hazard to the safety or welfare of the public.
- (D) One construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies, and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning district, if such sign is located within two hundred (200) feet of any residential district along side and front lot line, it shall not exceed sixty-four (64) square feet of area and ten (10) feet in height. If such sign is located more than two hundred (200) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twelve (12) feet in height. Such signs may be located ten (10) feet or more from the front lot line. Such signs shall be permitted not more than thirty (30) days before the start of construction and shall be removed seven (7) days after the issuance of a Certificate of Occupancy.

(E) Political Campaign Signs

In any zoning district, Political Campaign signs are permitted. These signs shall be permitted not more than sixty (60) days prior to the primary election or referendum which it advertises and shall be removed within five (5) days after the announced results of the general election or referendum. In cases where the sign advertises a candidate in the primary election who will not be a candidate in the general election, such signs shall be removed five (5) days after the announced results of the primary election. Such signs shall not exceed sixteen (16) square feet in area and six (6) feet in height, but shall be exempt from other requirements such as spacing between pole and ground signs, a distance from residential districts and setback from front lot line. Such signs may be mounted on the wall or located in the required front yard.

(F) Banners, pennants, flags are permitted and institutional signs, not to exceed thirty-two (32) square feet in area and eight (8) feet in height announcing a campaign, drive or other event of a civic, philanthropic, education or religious organization are permitted.

(G) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(H) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(I) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

34.130 - Special Sign District. In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural, or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for a special sign district.

34.140 - Variance Procedure. The Board of Zoning Appeals may approve or deny variance for area, location, spacing and height of sign from the terms of the sign ordinance and may approve or deny variance for roof sign in accordance with Section 34.120 (c). The Board may impose reasonable conditions as part of its approval. A variance may be approved under this section only upon determination in writing that:

- (a) The approval will not be injurious to the unique character of surrounding area;

- (b) The use and value of adjacent area will not be affected in an adverse manner;
- (c) The need for the variance arises from some condition peculiar to the property involved (such as topography).
- (d) The strict application of the terms of the sign ordinance will constitute an unnecessary hardship if applied to the sign for which the variance is sought.

The Board of Zoning Appeals is authorized to make variances as shown below:

- (A) The height of sign not be increased more than twenty percent (20%) of the permitted height unless the topography of land where sign is to be mounted is such that it needs additional height;
- (B) The setback for sign from front lot line not be reduced less than the setback of pole sign, ground signs, or a building on either side of the proposed sign;
- (C) The spacing between 2 signs not be reduced less than ten percent (10%) of that required unless a business cannot erect a pole or a ground sign under the provisions of this ordinance;
- (D) A sign with 100 square feet or less in area may be increased by 30%, a sign with 300 square feet or less may be increased by 20%, a sign with more than 300 square feet may not be increased more than 10% in area;
- (E) An existing sign that was erected prior to the adoption of this ordinance may be replaced within 90 days after its removal as long as the height and area of new sign is no more than ten percent (10%) of the pre-existing sign.
- (F) The Board of Zoning Appeals may permit the following signs if the Board of Zoning Appeals has approved a Variance or contingent use for an office or commercial purpose in a R-3 District:
 - (1) If a Variance or contingent use for an office or commercial purpose approved in a R-3 district, one on-premise wall sign not exceeding thirty-two (32) square feet in area for each building, limited to identifying the building or activity being conducted on the premises, may be permitted per street frontage.
 - (2) If a Variance or contingent use for an office or commercial purpose is approved in a R-3 district, one on-premise ground sign per street entrance, identifying the building or activity being conducted on the premises may be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted no closer than ten (10) feet setback from the front lot line. Such sign shall not face any

adjacent residentially zoned lot if it is closer than fifty (50) feet to such residential lot.

- (3) If a Variance or contingent use for an office or commercial use is approved in a R-3 district for more than one main building on a lot, a directory sign may be permitted. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and not exceed one and one half (1.5) square feet for occupant or fifty (50) square feet in total area, whichever is less.

34.150 - Conformity. It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm, or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

34.160 - Nonconforming Signs. Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is same as that of nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged exceeding fifty percent (50%) of the reproduction value according to appraisal thereof by a licensed appraiser, or is removed by any means whatsoever, including an act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this Chapter.

34.170 - Enforcement. It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All department, officials and employees of the City which are vested with the city or authority to issue permits or licenses shall conform to the provisions of this Chapter and will not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

34.180 - Filing Fees. Applications for improvement location permits shall be filed with the Zoning Enforcement Officer and shall be accompanied by a filing fee of twenty cents (20 cents) per square foot per sign, ten cents (10 cents) per square foot for the second side of the same sign.

34.190 - Penalties and Injunctive Relief. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who violates any provision of this Chapter, shall be fined not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful. The Division of Community

Development and Planning, by its Zoning Enforcement Officer, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.

The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

34.200 - Severability of Provisions of this Chapter. If an section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. No. G-10-83, Subsection 23, 4-12-83).

WHEREAS, it is desirable to review this Sign Ordinance and the impact thereof.

SECTION 2. The Sign Ordinance, as passed and adopted by Common Council, shall be reviewed within six (6) months from the effective date of said Sign Ordinance. The appointments by the Mayor will be made from the following groups:

- 2 representatives of the City's Department of Community Development and Planning;
- 2 representatives of the local neighborhood associations;
- 2 representatives of the User groups;
- 2 representatives of the local sign industry; and
- 1 representative appointed by the President of City Council;

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

4-9-91
Bill
4-9-91
BILL NO. _____

G-91-03-45

(as amended)
(as amended)

Committee of the Whole

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

Committee of the Whole

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) CONCERNING THE
PLACEMENT OF SIGNS WITHIN THE CITY LIMITS OF FORT WAYNE,
INDIANA

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures under DO PASS: Thomas C. Henry, David C. Long, Edmonds, Schmidt, Bradbury]

[Handwritten signature under DO NOT PASS: D. Schmidt]
[Handwritten signature under DO NOT PASS: C. R. Edmonds]

DATED:

Sandra E. Kennedy
City Clerk

April 23, 1991

I move the reconsideration
of Bill G 41-03-45
at the next regular
meeting of the
Common Council.

Mark C. Li Jun

MEMORANDUM

DATE: April 9, 1991

TO: Debbie Gillespie, Mayor's Office

FROM: Kate Love-Jacobson, Research Assistant to City Council

RE: Cable consumer standards & refranchising efforts

Dear Debbie,

Please find the attached copy of an article from a March 25, 1991 issue of Nation's Cities Weekly, which deals with the aforementioned issues involving cable matters.

As you and I discussed over the phone, the cable refranchising is to take place in July of 1993. You reported that the mayor has already opened talks with Comcast in this regard, and that you and Ethel Lamar of CTPAC are currently reviewing any recent legislation as well as the 1984 Cable Act. You will be ensuring that Comcast is living up to the four points in 1984 Cable Act. Further, you stated there will be opportunities for public input in the process prior to refranchisement.

In regard to the issue of consumer complaints, you stated that Comcast currently does have a computerized telephone answering system which directly links customers to departments. In addition, you stated that Comcast does have some Saturday hours to take complaints. You were unclear as to what the credit of service is for interrupted service.

Please review this article and report back to me as soon as possible, as to what Comcast and the Administration are currently doing, which would reflect some of these policies adopted by Portland.

Thanks for your assistance, Debbie.

c. c. file

Councilman Mark GiaQuinta